1 STATE OF NEW HAMPSHIRE 2 SITE EVALUATION COMMITTEE 3 **December 11, 2017** - 9:01 a.m. DAY 65 49 Donovan Street Morning Session ONLY 4 Concord, New Hampshire 5 {Electronically filed with SEC on 12-26-17} 6 7 SEC DOCKET NO. 2015-06 IN RE: Joint Application of Northern 8 Pass Transmission, LLC, and 9 Public Service Company of New Hampshire d/b/a Eversource 10 Energy for a Certificate of Site and Facility. 11 (Hearing on the merits) 12 PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE: 13 Chrmn. Martin P. Honigberg Public Utilities Comm. (Presiding as Presiding Officer) 14 Cmsr. Kathryn M. Bailey Public Utilities Comm. Dir. Craig Wright, Designee Dept. of Environ. Serv. 15 Christopher Way, Designee Dept. of Business & 16 Economic Affairs William Oldenburg, Designee Dept. of Transportation Patricia Weathersby 17 Public Member Rachel Dandeneau Alternate Public Member 18 19 ALSO PRESENT FOR THE SEC: 20 Michael J. Iacopino, Esq., Counsel for SEC (Brennan, Lenehan, Iacopino & Hickey) 21 Pamela G. Monroe, SEC Administrator 22 23 (No Appearances Taken) 24 COURT REPORTER: Steven E. Patnaude, LCR No. 052

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	[WITNESSES: Thibault Pastoriza Collier]
1	PROCEEDING
2	CHAIRMAN HONIGBERG: Good morning,
3	everyone. It's Day 65. And we have a new
4	panel in place.
5	Is there anything we need to do
6	before the witnesses are sworn in?
7	[No verbal response.]
8	CHAIRMAN HONIGBERG: All right. Mr.
9	Patnaude.
10	(Whereupon Robert Thibault and
11	Kris Pastoriza, and James
12	Collier were duly sworn/affirmed
13	by the Court Reporter.)
14	CHAIRMAN HONIGBERG: Ms. Fillmore.
15	MR. COLLIER: I'm sorry. I am
16	hearing-impaired, and I need a little bit more
17	volume than that.
18	CHAIRMAN HONIGBERG: Let's go off the
19	record.
20	[Brief off-the-record discussion
21	ensued.]
22	(Whereupon James Collier was
23	re-sworn by the Court Reporter.)
24	CHAIRMAN HONIGBERG: Ms. Fillmore.
	{SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

1	[WITNESSES: Thibault Pastoriza Collier]
1	MS. FILLMORE: Thank you,
2	Mr. Chairman.
3	ROBERT THIBAULT, SWORN
4	KRIS PASTORIZA, SWORN
5	JAMES COLLIER, SWORN
6	DIRECT EXAMINATION
7	BY MS. FILLMORE:
8	Q I'm going to start with Mr. Thibault. Can you
9	please introduce yourself to the Committee and
10	spell your last name for the record?
11	A (Thibault) My name is Robert Thibault. It's
12	T-h-i-b-a-u-l-t.
13	Q And what position do you hold in the Town of
14	Easton?
15	A (Thibault) Currently, I'm one of the three
16	selectmen. But this is my third term. I was a
17	selectman for six years prior, then Town Clerk
18	for almost ten years, and now back to
19	selectman.
20	CHAIRMAN HONIGBERG: Mr. Thibault,
21	would you please
22	WITNESS THIBAULT: Sorry about that.
23	CHAIRMAN HONIGBERG: move the
24	microphone closer to you please.
	{SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		WITNESS THIBAULT: Did you get all
2		that?
3		MR. PATNAUDE: I did.
4		WITNESS THIBAULT: Okay.
5	BY M	S. FILLMORE:
6	Q	All right. And you're here testifying today on
7		behalf of the Easton Board of Selectmen?
8	A	(Thibault) That's correct.
9	Q	A different selectman, Debbie Stever, submitted
10		prefiled testimony in this matter on behalf of
11		the Board of Selectmen dated November 15, 2016,
12		is that correct?
13	A	(Thibault) Yes.
14		MS. FILLMORE: And for the record,
15		that's marked as "Exhibit Jt. Muni 102".
16	BY M	S. FILLMORE:
17	Q	And then the Town substituted Ned Cutler,
18		another selectman, for Ms. Stever, by a letter
19		dated January 17th, 2017, which is Joint Muni
20		110, because Ms. Stever wasn't available to
21		appear at technical sessions and was not
22		running for selectman again.
23	A	(Thibault) Right.
24	Q	Is that your understanding?
	(O D O	2015 0.015

F		[WITNESSES: Thibault Pastoriza Collier]
1	А	(Thibault) Correct.
2	Q	Okay. And then the Board of Selectmen decided
3		that you would be the witness going forward, is
4		that correct?
5	A	(Thibault) That's correct.
6		MS. FILLMORE: The Town submitted
7		another letter of substitution on April 17th,
8		2017, substituting Mr. Thibault in as the
9		Selectmen's witness, and that is marked as
10		"Joint Muni 321".
11	BY M	S. FILLMORE:
12	Q	And then you also submitted prefiled testimony
13		on behalf of the Board of the Selectmen dated
14		April 17th, 2017, is that correct?
15	А	(Thibault) Yes.
16		MS. FILLMORE: And that's marked as
17		"Joint Muni 320".
18	BY M	S. FILLMORE:
19	Q	Do you have any additions or corrections to
20		either of the two prefiled testimonies?
21	А	(Thibault) No, I don't.
22	Q	And do you now adopt and swear to both
23		testimony as your own?
24	А	(Thibault) Yes, I do.

		[WITNESSES: Thibault Pastoriza Collier]
1	Q	Thank you. I'll move on to Ms. Pastoriza. Can
2		you please introduce yourself and spell your
3		last name for the record?
4	A	(Pastoriza) Kris Pastoriza, K-r-i-s, last name
5		P, as in "Peter", -a-s-t, as in "Thomas",
6		-o-r-i-z-a.
7	Q	And what position do you hold with the Town of
8		Easton?
9	A	(Pastoriza) I am the Chair on the Easton
10		Conservation Commission.
11	Q	How long have you held that position?
12	A	(Pastoriza) I think I've been Chair for two
13		years.
14	Q	And how long have you been on the Board before
15		that?
16	A	(Pastoriza) Eight or nine years.
17	Q	And you're testifying here on behalf of the
18		Conservation Commission?
19	A	(Pastoriza) Yes.
20	Q	You submitted prefiled testimony in this matter
21		on behalf of the Conservation Commission dated
22		November 15th, 2016, is that correct?
23	A	(Pastoriza) Yes.
24		MS. FILLMORE: And that is identified
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		[WITNESSES: Thibault Pastoriza Collier]
1		as "Joint Muni 111".
2	BY M	S. FILLMORE:
3	Q	And you submitted supplemental prefiled
4		testimony on behalf of the Conservation
5		Commission dated April 17th, 2017, is that
6		correct?
7	A	(Pastoriza) Yes.
8		MS. FILLMORE: And that is marked as
9		"Joint Muni 112". And I'll also note for the
10		record that the attachments to those two sets
11		of testimony are marked together as "Joint Muni
12		113. That was due to file size.
13	BY M	S. FILLMORE:
14	Q	Do you have any corrections or additions to
15		either of those testimonies here today?
16	A	(Pastoriza) I don't. I simply want to
17		apologize for not numbering the pages on my
18		prefiled, and suggest that people number them
19		by hand, just to avoid confusion.
20	Q	Thank you. And do you adopt and swear to both
21		sets of testimony here today?
22	A	(Pastoriza) I do.
23	Q	Thank you. Mr. Collier, can you please
24		introduce yourself to the Committee and spell
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		your last name for the record?
2	A	(Collier) My name is James Collier,
3		C-o-l-l-i-e-r.
4	Q	And you're here testifying on behalf of the
5		Planning Board, is that correct?
6	A	(Collier) That is correct.
7	Q	How long have you been on the Planning Board?
8	A	(Collier) About 18 years.
9	Q	And your term ended in March of this year, is
10		that correct?
11	A	(Collier) That is correct. I finally did not
12		run again. But the Board asked me if I would
13		serve as an alternate, and has voted to have me
14		continue to represent the Board before this
15		Commission.
16	Q	Thank you. You submitted prefiled testimony on
17		behalf of the Planning Board dated
18		November 15th, 2016, is that correct?
19	A	(Collier) That's correct.
20		MS. FILLMORE: And that's marked as
21		"Joint Muni 101".
22	BY M	IS. FILLMORE:
23	Q	Do you have any corrections or additions to
24		that testimony?

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Collier) No, I do not.
2	Q	Do you adopt and swear to that testimony here
3		today?
4	A	(Collier) I do indeed.
5	Q	Thank you. I'm going to turn back to
6		Mr. Thibault for a few moments. I'm going to
7		ask you some questions about letters exchanged
8		between the Town of Easton and the Department
9		of Transportation in recent months. I'm going
10		to show you a letter. Just need to bring up
11		the Apple TV.
12		MS. FILLMORE: Do you have something
13		on the screen in front of you?
14		WITNESS THIBAULT: No.
15		MS. FILLMORE: We'll wait until you
16		do.
17		WITNESS PASTORIZA: I do.
18	вү М	S. FILLMORE:
19	Q	Okay. What you should have on the screen in
20		front of you now is marked as "Joint Muni 329",
21		and this is a letter dated July 17th, 2017.
22		Can you tell us are you familiar with this
23		letter?
24	A	(Thibault) Yes, I am.

1		[WITNESSES: Thibault Pastoriza Collier]
1	Q	Can you tell us what it is briefly?
2	A	(Thibault) Well, the Board was aware that the
3		DOT, in their permit to Northern Pass, was
4		requesting a more accurate survey. Knowing
5		that we had areas in our town that we thought
6		were of undefined width, we wanted the we
7		were asking the DOT if they would invoke the
8		RSA 228:35 to use their power to set those
9		rights-of-way.
10	Q	And was this in response to the DOT's actions
11		regarding the survey?
12	A	(Thibault) Yes, it was. After we saw the DOT's
13		conditional permit requesting an accurate
14		survey, we just feel that the survey was yet
15		being done accurately, because there's still
16		areas shown on the maps that were shown
17		rights-of-way that we believe were not
18		determined correctly. So, that's why we asked
19		the DOT "will you set the rights-of-way then?"
20	Q	Okay. And now I'm going to show you something
21		marked "Joint Muni 326". Do you see that on
22		the screen in front of you?
23	A	(Thibault) Yes, I do.
24	Q	And what is this?

		14 [WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) This is our response from the DOT,
2		acknowledging receipt of our letter, and
3		informing us that they have indeed asked
4		Northern Pass to do an accurate survey. And
5		bottom line was that they would certainly
6		ensure that the areas we were concerned about
7		would be thoroughly reviewed and addressed.
8	Q	Okay.
9	A	(Thibault) I might add that they also noted
10		that, if you can scroll down a tad? Yes, right
11		there. They agreed that a final alignment and
12		location of the Northern Pass line still needs
13		to be identified and approvals have not been
14		granted. So, we took that as an agreement with
15		us, they were still evolving.
16	Q	Thank you. I'd like to ask Ms. Pastoriza a few
17		questions about this issue as well. It's my
18		understanding that you've had concerns about
19		this issue, that's correct?
20	A	(Pastoriza) Yes.
21	Q	I'm bringing up what's marked as "Joint Muni
22		325". Can you describe what this document is?
23	A	(Pastoriza) This document is an attempt to
24		summarize the history of the survey, and
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		Northern Pass's knowledge of the right-of-way
2		width, and what they knew, when they knew it,
3		and how that information was incorporated into
4		their survey or not incorporated into their
5		survey.
6	Q	And this does begin with information that is
7		older than April 17th, but it lays the
8		foundation for developments after April 17th,
9		is that correct?
10	A	(Pastoriza) Yes. The first section here is
11		information I got through a 91-A, and it was
12		all the information that Concord DOT had sent
13		to Northern Pass via Mark Hodgdon.
14	Q	We're not going the to go through this
15		line-by-line, as the Committee can read it
16		later. And what is this section please, just a
17		brief description?
18	A	(Pastoriza) In their application to DOT for
19		burial, Northern Pass admits that there is a
20		710 rod unknown layout in Easton. In 2016,
21		they say that they have hired Meridian, BL, and
22		Arago to survey the road. And, in 2017, Mark
23		Hodgdon is telling Northern Pass that their
24		surveyor from Cornerstones had actually plotted
	(SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		out this 710 rod section in Easton.
2		The survey that was submitted in April
3		does not show this section. It shows four rods
4		throughout, as well as the permit packages show
5		the same width.
6		And here Meridian is stating that they
7		were asked, although PAR was asked to do a full
8		survey, they were asked to do only a
9		preliminary survey.
10		So, the survey was rejected by DOT on
11		August 4th. August 30th is the first record of
12		email contact between Concord DOT and Arago.
13		And on October 4th, Ms. Boisvert, from Arago,
14		is admitting in Plymouth "the more they find,
15		the less they know."
16		And as of now, we have no survey presented
17		by the Applicant.
18	Q	Thank you. Back to Mr. Thibault for a moment.
19		What I'm bringing up now is marked as "Joint
20		Muni 328". And is this document familiar to
21		you?
22	A	(Thibault) Yes, it is.
23	Q	Sorry about that. Can you please explain what
24		this document is?

1A(Thibault) Well, as things developed from our2first letter to the DOT, we had concerns on3whether on how seriously DOT and Northern4Pass were taking this requirement for an5accurate survey. So, we were basically seeking6confirmation from DOT, and trying to educate or7inform what the town's expectations were of a8proper survey. For example, we learned that9there wouldn't be markers put out showing10property lines from the survey. We also11learned in between that the HDD, which we12thought or were told were going under bridges,13we found that, no, it will not go under14bridge, per DOT. It has to go beside the15probably 15 feet from the edge of a bridge, or17close to a person's property line. And knowing18what the accuracy may or may not be in the HDD,19now we have a concern that property owners20could have a transmission line actually in21their property not to be discovered until22sometime when they went to inform DigSafe "hey,23I want to put a fence here on my property line"24or something. And find out later on, years	I		[WITNESSES: Thibault Pastoriza Collier]
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22 sometime when they went to inform DigSafe "hey, 23 I want to put a fence here on my property line"	20		could have a transmission line actually in
23 I want to put a fence here on my property line"	21		their property not to be discovered until
	22		sometime when they went to inform DigSafe "hey,
24 or something. And find out later on, years	23		I want to put a fence here on my property line"
	24		or something. And find out later on, years

		[WITNESSES: Thibault Pastoriza Collier]
1		from now, you can't do that because the
2		Northern Pass as-built plans show that you have
3		a high-voltage line on your property.
4		So, you know, we just didn't want the Town
5		and property owners to wind up in lawsuits over
6		this. So, we're trying to get as much input as
7		we can into what we expect, which is basically
8		an accurate, real survey.
9	Q	And this letter was signed not only by you, but
10		by a selectman from Sugar Hill and Franconia as
11		well?
12	A	(Thibault) That's right, all three towns. And
13		maybe Bethlehem also sent this letter.
14	Q	Has the Board of Selectmen in Easton heard
15		anything from DOT since this letter was sent?
16	A	(Thibault) Not yet. We're ready to send a
17		follow-up, asking, you know, why not?
18		MR. IACOPINO: What is the date of
19		the letter?
20		WITNESS THIBAULT: October 24th, '17.
21		MR. IACOPINO: Thank you.
22	BY M	S. FILLMORE:
23	Q	And you noticed that surveyors were in the area
24		again recently, didn't you?
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		19 [WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) Yes. Several weeks ago we saw
2		surveyors, and that's why we know that they're
3		not marking the property lines. We have
4		noticed that they put some tape, usually about
5		15 feet from the side of a bridge abutment,
6		which implies to us that that's where they're
7		going to try to put two HDD lines in that
8		15-foot area, without trying to go under the
9		bridge and without trying to encroach on
10		somebody's private property. It seems an awful
11		tight fit.
12	Q	Thank you. I'm going to switch gears for a
13		moment now slightly. I'm going to show you
14		part of an excerpt from a transcript from
15		earlier in these hearings, and then ask you
16		some questions about that. Okay?
17		What's on the screen now is the transcript
18		from Day 43, in the afternoon, Page 7. And in
19		this section, Mr. Oldenburg was questioning the
20		Construction panel, the Applicants'
21		Construction panel, and Mr. Bowes in
22		particular, about the Applicants' contention
23		that DOT should oversee all of the portions
24		where the Project would cross or impact a town
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		road.
2		Can you read the highlighted portion
3		please, Mr. Thibault?
4	A	It says "And you had mentioned having the DOT
5		delegate the town road issues and Exception
6		Requests and things like that to the DOT."
7		CHAIRMAN HONIGBERG: Mr. Thibault,
8		slow down just a little.
9		WITNESS THIBAULT: Okay.
10	CONT	INUED BY THE WITNESS:
11	A	(Thibault) "Is that what the intent is?" The
12		answer from Bowes: So, the intent would be to
13		have the SEC assert its jurisdictional" "its
14		jurisdiction to allow use of local roads and
15		then probably delegate, most likely I think I
16		said, to the DOT because they have the
17		expertise to view that 3 or 4 miles of local
18		roads."
19	BY M	S. FILLMORE:
20	Q	Okay. That's good. Thank you. Then, I'm
21		skipping to Page 9. And this is at Line 12.
22		Can you read the highlighted portion please?
23		And again, this is Mr. Oldenburg asking the
24		question.

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) "So, I guess my question is, if DOT
2		takes on that responsibility of making
3		decisions on a local road, doesn't the DOT take
4		that responsibility on for making those
5		decisions? And why wouldn't you just pass or
6		ask that delegation to be passed on to the town
7		instead of the DOT?"
8	Q	And can you read the response please, which
9		goes onto the next page?
10	A	(Thibault) "For one thing there would be
11		resource issues I'm sure with the town. So
12		probably involve hiring a third party to do
13		that for the town. You could have inconsistent
14		means and methods as well as construction
15		techniques be approved for the Project.
16		If the New Hampshire DOT does that, it
17		will be consistent all the way through the
18		entire life cycle, and if a town decided I
19		don't want to play, then they could delay the
20		Project unduly."
21	Q	Thank you. Mr. Thibault, does the Town of
22		Easton have a road agent?
23	A	(Thibault) Yes, we do.
24	Q	Does the Town take care of any town roads?
	(C E C	2015 OGLIDAN 65/Marning Section ONIVI(12 11 17)

	-	[WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) Very well.
2	Q	Has there been damage to town roads in the
3		past?
4	A	(Thibault) Yes.
5	Q	And does the Town have experience dealing with
6		that?
7	A	(Thibault) Yes, we do. We had we had roads
8		wash out during Tropical Storm Irene. A couple
9		of bridges washed out. Our town road agent had
10		those roads opened in a matter of maybe four or
11		five hours. We had the July, I think, first
12		rain storms this year, where we lost had a
13		road blocked due to run-off, and that road was
14		put back in shape, I think, before some
15		residents even realized there was a problem.
16		And just over the Halloween weekend we had a
17		severe wind storm, lots and lots of trees down
18		across roads. And there were crews out
19		overnight, all night, clearing the roads. So,
20		we have no problem at all taking care of our
21		roads.
22	Q	Do you have confidence that your road agent
23		would be able to handle whatever might occur as
24		a result of this Project?

1		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) Absolutely, based on what I've just
2		given for examples.
3	Q	And if something arose that the road agent
4		needed help with or he hadn't faced it before,
5		would he know what to do?
6	A	(Thibault) It's hard to imagine that would
7		happen. But, yes, I'm sure he would.
8	Q	What's your reaction to Mr. Bowes's statement
9		that "a town can simply refuse to play and
10		delay the Project"?
11	A	(Thibault) Well, I don't know, it says to me,
12		he doesn't think much of towns and what they
13		can do. It's kind of insulting. I don't know
14		why he would want to do that.
15	Q	And if the Town were to be able to participate
16		in this Project, and for whatever crossing or
17		work that might involve town roads, how would
18		the Town handle that? How would the Town apply
19		its policies?
20	A	(Thibault) Well, we would we would have to
21		treat Northern Pass like any other project. I
22		mean, we couldn't discriminate whether or not
23		we like a project. We still have to follow our
24		own rules and guidelines and state laws, and
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		[WITNESSES: Thibault Pastoriza Collier]
1		otherwise we wind up in court anyway.
2	Q	Thank you. I'm going to ask you a couple of
3		things about the Tamarack Tennis Camp.
4		Mrs. Stever's original testimony Ms. Stever,
5		which you have adopted, notes that the Tamarack
6		Tennis Camp, which is Easton's only business,
7		is located on both sides of Route 116, and that
8		construction would disrupt their summer
9		sessions. Have you spoken with the owners or
10		the managers of the Tamarack Tennis Camp
11		recently?
12	A	(Thibault) Yes, I have. About two weeks ago
13		now I spoke to Jenny Rae Miller, she's the
14		daughter of the owners. She and her husband
15		now manage the tennis camp.
16	Q	And what was the subject of that conversation?
17	А	(Thibault) I was asking her if she had heard
18		from Northern Pass about the concerns that we
19		had voiced, the safety concerns, about little
20		children as young as six years-old, up to
21		teenagers, going back and forth across the
22		streets during the summer camps, because they
23		have four tennis courts on one side and three
24		on the other side. And also a lot of the kids
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

1are running back and forth across to those.2And I wondered if Northern Pass had3reached out to her about those concerns that4were brought up, and the answer was "no". I5did note that she, Jen Miller, had sent written6comments. And I also learned that her husband,7Chuck Miller or, Chuck Weed was right down8here with a public comment. And I was kind of9surprised that they hadn't heard anything from10Northern Pass.11Q12for a few minutes.13You've set forth a variety of concerns14about the Project in your prefiled testimony on15behalf of the Conservation Commission. And one16topic is the use of horizontal directional17drilling, is that correct?18A19QAnd one of those concerns, which you've raised20both in your prefiled testimony and in the21course of questioning other witnesses during22this proceeding, is the slurry that would be23generated during the HDD process, is that24correct?			[WITNESSES: Thibault Pastoriza Collier]
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23 generated during the HDD process, is that	21		course of questioning other witnesses during
	22		this proceeding, is the slurry that would be
24 correct?	23		generated during the HDD process, is that
	24		correct?

1 A (Pastoriza) Yes. 2 Q Can you very briefly, one sentence, describe 3 the subject of your concern? 4 A (Pastoriza) Subject of my concern is that 5 neither DES nor DOT nor White Mountain Nationa 6 Forest have any rules regarding slurry or the additives, or the expertise and experience of 8 the contractors. And I think this was shown 9 when they inspected the geotechnical boring 10 sites where slurry was dumped, and found those acceptable, I think, because they had no	_
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10 sites where slurry was dumped, and found those	
11 acceptable, I think, because they had no	
12 standards about geotechnical boring or	
13 horizontal directional drilling.	
14 Q Thank you. What I've brought up on the screen	
15 is Joint Muni 322. Can you at the top here	
16 this is an email exchange between you and Tim	
17 Drew of DES, is that correct?	
18 A (Pastoriza) Yes.	
19 Q Dated July 13, 2017?	
20 A (Pastoriza) Yes.	
21 Q And I will skip down here to your email. Woul	l
22 it be fair to summarize this as that you have	
23 asked him what standards DES has regarding	
24 directional drilling and slurry?	

		[WITNESSES: Thibault Pastoriza Collier]
1	А	(Pastoriza) Yes.
2	Q	And I'm going to scroll back up to his
3		response. Could you please read his response.
4	A	(Pastoriza) "Good afternoon, Ms. Pastoriza. I
5		checked with our Legal Unit for any
6		administrative rules contained within our
7		jurisdiction for drilling muds and any
8		additives, and we have none that directly apply
9		to this practice. I did find the following
10		fact sheet that discusses these methods, and
11		relies on the contractor using Best Management
12		Practices while directional drilling."
13	Q	Does that address your concern?
14	А	(Pastoriza) It doesn't address my concern,
15		because they have no rules regarding how the
16		drilling is done or the chemicals used.
17	Q	Thank you. I'm going to show you an excerpt
18		from the transcript of Day 51, in the
19		afternoon, at Page 36. And this is
20		Mr. Needleman cross-examining Counsel for the
21		Public's witnesses Taylor and Zysk. We're on
22		Page 36.
23		Can you please read the highlighted
24		portion?
	\crC	2015-061 [Day 65/Morning Soccion ONIV] (12-11-17)

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Pastoriza) "Question: Are you familiar with
2		the use of bentonite slurry? Answer (by
3		Taylor): Generally at a high level. Question:
4		What about you, Mr. Zysk? Answer: Zysk says
5		Yes. Question:It's a naturally-occurring
6		clay; is that right?" And Mr. Zysk answers
7		"Yes."
8	Q	Do you have information about that exchange
9		that you would like this Committee to consider?
10	A	(Pastoriza) I would like them to consider that
11		it's a naturally-occurring substance in Wyoming
12		in formation. If you mine it and transport it,
13		mix it with hundreds of gallons of water and
14		additives, and pump it underground under
15		pressure into New Hampshire subsoils, I think
16		it's no longer natural.
17		I would also point out that the "natural"
18		is not necessarily harmless. We have rabbies,
19		we have arsenic, we have mercury. We have
20		fire. Those are all natural, and they're not
21		harmless.
22	Q	Is it your understanding that bentonite is used
23		by itself for slurry or are things added to it?
24	А	(Pastoriza) Occasionally, by itself, on some of
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		the shorter drillings, to 15 feet that were
2		done for the geotechnical borings. But,
3		generally, additives are required, especially
4		to prevent things like frac-out, if that's
5		starting, they will use additives to try to
6		stop that.
7	Q	Can you name a few of them? Not all of them,
8		the list is very long, as I understand it.
9	A	(Pastoriza) There's something called REL-PAC,
10		which is harmful to aquatic organisms. There's
11		ACCU-VIZ, which is carcinogenic in the State of
12		California. There is DRILL-TERGE, which causes
13		burns, eye damage, and can cause blindness.
14		And the majority of the chemicals do not have
15		definitive data on the effects on watersheds,
16		water quality, aquatic organisms.
17	Q	Thank you. You have a sample with you, do you
18		not? Which we have marked for identification
19		only as "Joint Muni 323". Can you please hold
20		that up and explain what it is?
21	А	(Pastoriza) This is slurry from the
22		geotechnical boring, where most of the slurry
23		was left on the side of the road. This is
24		slurry that was found acceptable by White

[WITNESSES: Thibault | Pastoriza | Collier] 1 Mountain Natural Forest, DOT, and DES. I would offer it to the Committee. I 2 3 would tell you not to breathe it or touch it. And it's an example of whether we trust the 4 5 agencies or not, because they have no regs 6 about this product. 7 Did you collect that sample yourself? 0 8 (Pastoriza) I did. А Can you give us an approximate date? 9 Q 10 (Pastoriza) I collected it last summer, during Α 11 the borings. 12 And have you had that sample ever since in your Q 13 possession? 14 А (Pastoriza) Yes. 15 MS. FILLMORE: So, if the Committee, 16 if anyone on the Committee would like to take a 17 closer look, they certainly may. 18 Let the record reflect that none of 19 them would like to. And we'll take a picture 20 of that and submit that as an exhibit. 21 CHAIRMAN HONIGBERG: Ms. Fillmore, 22 what exactly did you have in mind? 23 MS. FILLMORE: Passing it down, 24 taking a look.

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	31
	[WITNESSES: Thibault Pastoriza Collier]
1	CHAIRMAN HONIGBERG: Is that what you
2	would like to have happen? Would like to pass
3	it down?
4	MS. FILLMORE: Only if the Committee
5	would
6	CHAIRMAN HONIGBERG: Ms. Fillmore,
7	we're at your disposal. If you think that
8	would be a useful thing for us to do, by all
9	means, why don't you have the bag
10	MS. FILLMORE: I believe my witness
11	believes it would be a useful thing to do.
12	CHAIRMAN HONIGBERG: Ms. Monroe, can
13	you help us out please?
14	ADMIN. MONROE: Sure.
15	MS. FILLMORE: Thank you very much.
16	(The plastic bag containing the
17	slurry sample was passed along
18	to each of the Committee
19	members.)
20	CHAIRMAN HONIGBERG: Whenever you're
21	ready, Ms. Fillmore.
22	MS. FILLMORE: Thank you.
23	BY MS. FILLMORE:
24	Q I'm going to turn back to Joint Muni 322. Ms.
I	{SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		Pastoriza, it's my understanding that you've
2		also had concerns on the DOT side about the
3		lack of detail they have received from the
4		Applicant regarding frac-out or subsidence from
5		the drilling, is that correct?
6	A	(Pastoriza) Yes.
7	Q	And what's on the screen now is an email
8		exchange between you and Richard Arcand from
9		the Department of Transportation, is that
10		correct?
11	A	(Pastoriza) Yes.
12	Q	Can you please read your email to him and his
13		response to you?
14	A	(Pastoriza) My question was "Has DOT required
15		the Applicant (NPT) to submit any frac-out risk
16		studies or subsidence studies? Both of these
17		issues are described as "design issues that
18		must be addressed" in the Horizontal
19		Directional Drilling Best Practices Guidelines
20		referenced in DOT's Utility Accommodation
21		Manual."
22	Q	And his response dated October 9th, 2017?
23	A	(Pastoriza) His response was "No. We have not
24		requested any frac-out risk or subsidence
	(. . .	

		[WITNESSES: Thibault Pastoriza Collier]
1		studies at this time."
2	Q	And what is your reaction to that email?
3	A	(Pastoriza) In the UAM, Utility Accommodation
4		Manual, it states "Horizontal directional
5		drilling using approved drilling fluids, such
6		as bentonite, may be used in accordance with
7		intelligent horizontal drilling guidelines."
8		Which is this book. [Showing book] These
9		guidelines state that design issues that must
10		be addressed include settlement and heave
11		calculations and hydro-fracture evaluation.
12		So, DOT is not requiring that the Project be
13		done in accordance with their own reference
14		guidelines. This also applies to the
15		Applicants' work spaces, which are far narrower
16		than the minimum areas shown in the DOT
17		reference guidelines. And I have not seen
18		these guidelines referenced once in DOT's
19		communications with Northern Pass.
20	Q	Thank you. One last area. When Counsel for
21		the Public's witnesses Bascom, Taylor, and Zysk
22		were last here testifying, they were questioned
23		about why the latest DOT Exception Requests did
24		not show the route being moved to the other
	(

		[WITNESSES: Thibault Pastoriza Collier]
1		side of Routes 116 and 112 to avoid
2		hydrocarbons that had been encountered during
3		geotechnical borings. And because I do not
4		have the transcript for that, I will ask you to
5		assume for the sake of my question that that is
6		what they were asked. Is that okay?
7	A	(Pastoriza) Yes.
8	Q	What I'm bringing up on the screen now is Joint
9		Muni 324. Can you please describe this
10		document?
11	A	(Pastoriza) This is a map I made from the GIS
12		site, which shows it's on the DOT site, it
13		shows where all the bore holes are. You can
14		then go from those numbers to the boring logs
15		to find out what was found in the geotechnical
16		borings.
17		So, I've added some of what was found,
18		especially the hydrocarbons that they came upon
19		while doing the geotechnical boring on this
20		map, which is the corner of Route 116 and 112,
21		in Easton. And I added the water levels, which
22		would affect hydrocarbon movement. And I put
23		Hs in for where there are houses.
24	Q	And since those witnesses last testified, do
	{ < F <	2015-061 [Day 65/Morning Session ONLY] {12-11-17}

	35
1	[WITNESSES: Thibault Pastoriza Collier]
1	you know if the Applicant has presented any
2	plans to move the activities to the other side
3	of the road, away from these hydrocarbons?
4	A (Pastoriza) I've not seen any Exception
5	Requests regarding that.
6	MS. FILLMORE: Thank you very much.
7	I have no further questions for these witnesses
8	at this time.
9	CHAIRMAN HONIGBERG: Mr. Pappas.
10	MR. PAPPAS: Yes.
11	[Brief interruption.]
12	MR. PAPPAS: Good morning, folks.
13	I'm Tom Pappas. And I represent Counsel for
14	the Public.
15	CROSS-EXAMINATION
15 16	CROSS-EXAMINATION BY MR. PAPPAS:
16	BY MR. PAPPAS:
16 17	BY MR. PAPPAS: Q Mr. Thibault, let me start by asking you some
16 17 18	<pre>BY MR. PAPPAS: Q Mr. Thibault, let me start by asking you some questions. And other members of the panel,</pre>
16 17 18 19	<pre>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</pre>
16 17 18 19 20	<pre>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</pre>
16 17 18 19 20 21	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.
16 17 18 19 20 21 22	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,

		[WITNESSES: Thibault Pastoriza Collier]
1		Project, so I'm going to ask you some questions
2		about that. You indicated that a third of
3		Easton's residents live along Routes 116 and
4		112. Do you recall that?
5	A	(Thibault) Yes.
6	Q	And that's, we all know, is where the proposed
7		line would be placed in front of these
8		properties, correct?
9	A	(Thibault) Correct.
10	Q	And you indicated that the Easton Select Board
11		believes that the value of these properties
12		will decrease because of the transmission
13		lines, correct?
14	A	(Thibault) Yes.
15	Q	And that the Easton Select Board also believes
16		that many of these property owners will apply
17		for tax abatements. Do you recall that?
18	A	(Thibault) Yes, I do.
19	Q	When did Easton assess properties in town?
20	A	(Thibault) We're on a continual assessment
21		program, so that every five years everybody has
22		been assessed. And that's by state RSA.
23	Q	Okay. Well, when does the next five-year
24		assessment come up or do you do it annually?
	(C F C	2015 OGLIDAN 65/Marning Sagaian ONIVI(12 11 17)

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) I'm thinking, about two years from
2		now.
3	Q	Okay. And that will be sometime shortly before
4		the Project goes on line, if it's a two to two
5		and a half year construction project?
6	A	(Thibault) Correct.
7	Q	Okay. And who does the property assessments in
8		Eastman Easton?
9	A	(Thibault) We hire a firm, Gary Fournier,
10		from can't recall the company's name, but we
11		have a private assessor that we hire.
12	Q	Okay. Has the Town discussed with the assessor
13		the potential impact on property values from
14		the Northern Pass Project?
15	A	(Thibault) No.
16	Q	Okay. Now, if a third of the property in
17		Easton is assessed at a lower value because of
18		the transmission line, will that increase the
19		Town's tax rate to meet its revenue needs?
20	A	(Thibault) Yes, it will.
21	Q	Do you believe that, in that instance, would
22		the other two-thirds property owners, whose
23		property is not on Route 116 or Route 118
24		[112?], have to pay higher taxes in order to
	(~ - ~	

		WITNESSES: Thibault Pastoriza Collier]
1		because of increased tax rates?
2	A	(Thibault) Yes.
3	Q	So, would I be correct in saying that the other
4		property owners, who don't live on 116 or 112,
5		you believe that they will incur a cost if
6		Northern Pass is installed?
7	A	(Thibault) That's right.
8	Q	Let me ask you some questions, and this goes to
9		anybody on the panel, about traffic impacts and
10		impacts on first responders. Now, does Easton
11		have a police department?
12	A	(Thibault) No. We depend on the State Police.
13	Q	Okay. Is Easton served by any other municipal
14		police departments? Do you have any mutual
15		aid?
16	А	(Thibault) Yes. If there is an emergency, the
17		police departments from Sugar Hill and
18		Franconia would respond.
19	Q	Okay. And I assume they travel down Route 116
20		to get to Easton?
21	А	(Thibault) Most often. Sometimes Sugar Hill
22		Road, if they're coming from Sugar Hill.
23	Q	Okay. So, if 116 is closed for whatever
24		reason, that would affect the Franconia Police
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		39 [WITNESSES: Thibault Pastoriza Collier]
1		Department from responding to a call in Easton?
2	A	(Thibault) Very much. There are only two ways
3		in and out of Easton; one is 116 and the other
4		is Sugar Hill Road.
5	Q	Okay. Where is Sugar Hill Road in relation to
6		Route 116?
7	A	(Thibault) It intersects with 116
8		approximately, maybe 2 miles from the town
9		border with Franconia.
10	Q	With Franconia. Okay. So, if there is a
11		problem south of that, you're really relying on
12		Route 116?
13	A	(Thibault) Yes.
14	Q	Now, I understand Easton has a fire truck and
15		some other apparatus, correct?
16	A	(Thibault) Correct.
17	Q	And Easton has an all-volunteer fire
18		department?
19	A	(Thibault) Yes.
20	Q	And the Easton Fire Department is located next
21		to the Town Hall?
22	A	(Thibault) Yes.
23	Q	And that's on Route 116?
24	A	(Thibault) Yes.
	(~ - ~	

		[WITNESSES: Thibault Pastoriza Collier]
1	Q	Okay. Do you have something in front of you?
2	A	(Thibault) Yes.
3		[Short pause.]
4	BY MI	R. PAPPAS:
5	Q	Do you folks have something in front of you?
6	A	(Thibault) We do.
7	A	(Pastoriza) Yes.
8	Q	Okay. What's on the screen now is Counsel for
9		the Public's Exhibit 130, Map 38. And if you
10		see do you see the orange symbol in between
11		HDD-20?
12	A	(Thibault) Yes.
13	Q	And that's the location of the Easton Fire
14		Department on Route 116. Do you recognize
15		that?
16	A	(Thibault) Correct. Yes.
17	Q	Okay. So, HDD-20 will be right in front of the
18		fire department, correct?
19	А	(Thibault) Yes.
20	Q	Okay. And where do the do the volunteer
21		firefighters come to the station to go on a
22		call?
23	А	(Thibault) Yes, they do. Yes.
24	Q	Okay. And would I be correct in saying that
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		they primarily rely on Route 116 to get to the
2		fire station?
3	A	(Thibault) Yes.
4	Q	Okay. So, if, for whatever reason, 116 is
5		closed, whether it's because of HDD-20 or one
6		of the other HDDs, on 116, or even the open
7		trench, that would delay the volunteer
8		firefighters getting to the fire station?
9	A	(Thibault) Yes.
10	Q	And it would also impact the fire trucks
11		getting out of the fire station to answer the
12		call, correct?
13	А	(Thibault) Yes.
14	Q	Now, I'll represent to you that there are ten
15		HDD sites in Easton that are shown on Counsel
16		for the Public's Exhibit 130, in Maps 37, 38,
17		and 39. So, sticking with Map 38 that shows
18		the fire department, does Easton also receive
19		mutual aid from other towns for fires?
20	A	(Thibault) Yes.
21	Q	From whom does Easton receive mutual aid?
22	A	(Thibault) Usually, Sugar Hill, Franconia,
23		could be Woodsville, it depends on how bad a
24		fire we're responding to, but they wouldn't be
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		able to get to the fire station neither.
2	Q	Okay.
3	A	(Thibault) Or past the fire station.
4	Q	Okay. So, Easton strike that. Franconia
5		and Sugar Hill would be coming, on this map,
6		from the left, correct?
7	A	(Thibault) Yes.
8	Q	Okay. And from which direction would
9		Woodsville Fire Department come from?
10	A	(Thibault) From the right.
11	Q	Okay.
12	A	(Thibault) From 112.
13	Q	All right. So, if would I be correct that
14		anywhere along 116 and 112, if there is any
15		temporary road closure, or even a lane closure
16		and traffic delay, that would impact Franconia,
17		Sugar Hill or Woodsville getting to a call in
18		Easton, is that right?
19	A	(Thibault) That's right.
20	Q	And you mentioned a moment ago, it depends on
21		how severe the fire is. Would I be correct in
22		saying, the bigger the fire, the more likely
23		one of these other towns are going to come
24		help?

		43 [WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) Absolutely, yes. Even if it's a
2		small fire, they would come and stand by our
3		fire station.
4	Q	In order to in case another call comes in?
5	A	(Thibault) Yes.
6	Q	Got it. Now, how does Easton receive EMT
7		service?
8	A	(Thibault) We contract with an ambulance
9		service, Calex Ambulance. It's based in
10		Littleton.
11	Q	So, if there's a call for EMT, the ambulance
12		comes from Littleton?
13	A	(Thibault) That's right.
14	Q	And do they also use 116 from Littleton to get
15		to Easton?
16	A	(Thibault) Yes.
17	Q	Okay. So, the same would apply to them, in
18		terms of any traffic delays or road closures
19		getting to Easton in order to answer an EMT
20		call?
21	A	(Thibault) That's correct. And if the road
22		closure, I'm noticing on the map, were, say,
23		around HDD-21, they would have to detour for
24		miles, more than 20 miles, to get to, say,

		[WITNESSES: Thibault Pastoriza Collier]
1		HDD-22, if that were closed.
2	Q	What would be the detour route?
3	A	(Thibault) They would have to come in from
4		if you were in Littleton, you would have to go
5		down Route 302 to pick up Route 112, to go
6		through Woodsville, and come back up the other
7		side of Route 116, the south side. So, that
8		would be at least a 20-mile detour. If a
9		person were living at HDD-22, and there was a
10		road blockage, that person would have to travel
11		about 28 miles to get to the other side of HDD
12		or, to get to the Town Hall, for instance.
13		So, there's very few crossroads in Easton.
14		It's mainly one street road through Easton, and
15		Sugar Hill Road intersects it. And in the very
16		south end is Route 112, which not too many
17		people use for anything, because it's pretty
18		unpopulated down there.
19	Q	So, would of the ten HDD sites in Easton, if
20		any of those sites had a road closure, for
21		whatever reason, give me a sense of the detours
22		that would be required. You just indicated
23		about 20 miles for HDD-22. Would there be
24		lengthy detours for any of the other HDD sites?
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

1		[WITNESSES: Thibault Pastoriza Collier]
1	А	(Thibault) Well, it depend where they are, the
2		road closure would be. The example I gave was
3		right there at HDD-21. If it were at HDD-20,
4		for instance, Paine Road is a pot-handle road.
5		It goes comes off of 116, and goes back onto
6		116 after a few miles. So, that would be a
7		drive-around. You could do that. It's a
8		very there's a section of it that's a Class
9		VI road, very one-lane dirt road, hilly.
10		So, it would slow you down.
11	Q	Is that road maintained throughout the year?
12	А	(Thibault) No. It's not maintained during the
13		winter. So, if you were in the wintertime,
14		that road is not plowed. So, if you were
15		lucky, it was no snow, you would be able to get
16		through. If we have snow, that road is
17		actually closed, or "impassable", I should say
18		it's never closed, but it's not maintained.
19		Other areas, if you had a road closure on
20		the north side of Sugar Hill Road, or on the
21		north side of Paine Road, right there at
22		HDD-19,
23	Q	Yes.
24	А	(Thibault) You'd have a long detour to get to,
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1		[WITNESSES: Thibault Pastoriza Collier]
1		say, HDD-20 area. You'd have to go up through
2		Franconia, down to Sugar Hill, and come down
3		Sugar Hill Road, which is called "Easton Road"
4		in Sugar Hill. And that's quite a roundabout
5		route.
6	Q	What's on the screen now is Map 37, from
7		Counsel for the Public's Exhibit 130. And this
8		shows the HDDs that start in Easton, which is
9		HDD-16, and then going to HDD-19. You don't
10		need to give us a sense of detours for each
11		HDD. But you gave us a sense on the prior map,
12		which showed further south. Give us just a
13		sense in this area of town.
14	A	(Thibault) The only way to get onto 116 here,
15		without using 116, is through Lafayette Road.
16		So, if you had to detour anywhere here, again,
17		you'd have to go up through Franconia, and down
18		Lafayette Road, which is a narrow, twisting
19		road, and come back on 116. If you were on the
20		other side, say, on the other side of Paine
21		Road, it would be the same kind of detour I
22		mentioned earlier.
23	Q	And where does Lafayette Road connect into 116?
24	А	(Thibault) On the left side of the screen
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		there, past HDD-14.
2	Q	Okay. Okay. Thank you. Mr. Collier, let me
3		turn to you and ask you a few questions about
4		your prefiled testimony.
5	A	(Collier) Certainly.
6	Q	Now, I understand that the Easton Planning
7		Board believes that the Northern Pass Project
8		would unduly interfere with the orderly
9		development of the region. Is that right?
10	A	(Collier) That is correct.
11	Q	And the Easton Planning Board believes the
12		Project is inconsistent with the Town's Master
13		Plan, the Zoning Ordinance, and subdivision
14		regulations, is that correct?
15	A	(Collier) That's correct.
16	Q	Could you tell me, what type of development
17		does the Town of Easton encourage or favor
18		through its planning documents?
19	A	(Collier) Easton believes in controlled growth
20		and in retaining the agricultural and
21		residential atmosphere that one experiences
22		going through Easton. Route 116 goes from
23		Franconia, to a stop sign in the south end of
24		Easton, and that's an 11-mile stretch of road

		[WITNESSES: Thibault Pastoriza Collier]
1		that is characterized by limited residential
2		development, and, in Easton, only a couple or
3		four developments have been developed on the
4		west side of Route 116.
5		Unfortunately, the zoning only occurred in
6		Easton in 19 the mid '70s. And there was
7		some development previous to this. And it was
8		typical of a North Country community. Pick any
9		road that you state road that you drive on
10		in the North Country, and you find a lot of the
11		development is single-lot development, with a
12		camper, a travel trailer, or a best a more
13		modern prebuilt structure. So, there are not
14		large centers of town. As you can see, within
15		Easton, the fire station is sort of in the
16		middle, but you can't really tell it when
17		you're driving down the road, because things
18		don't get clumped together. We have a minimum
19		of three-acre lots required for a dwelling.
20	Q	Okay.
21	А	(Collier) With that in mind, the ideal
22		situation is to never develop a residential
23		development that has only a single road going
24		into it. It's unsafe, because you have the
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		same problem we have with Route 116: You block
2		it, and it's blocked.
3		So, the current mind of the Board is that,
4		as we see additional developments presented to
5		the Board, that we try to develop the
6	:	neighboring try to develop with the
7	:	neighboring parcels in mind, so that we can
8		develop, go in this side and come out the other
9		side, or vice versa, I'm sorry, and make it a
10		safer environment for all of the people living
11		on those roads.
12		The Town has been surveyed during my
13		tenure twice for the renewal of the Master
14		Plan. And the surveys returned almost
15		identical results in both cases, which is a
16		desire for this kind of development.
17		People come to Easton, first of all, when
18		I first moved to Easton, it was at its lowest
19]	population level in a century, and we're now
20		growing again. Easton had a grand population
21		of a little over 300, back in 1900. And in
22		30 years ago we were down to the small 200s.
23		Today, we're about 250 people living in Easton.
24		There are a few more houses than people, in
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		that we do have some seasonal homes.
2		But it's a very slow-growing community.
3		Most of the large tracts in town are now being
4		used for agriculture or they have been
5		purchased for conservation purposes. Because
6		one of the things that the population of the
7		town asks to be preserved is its quiet
8		agricultural and dark night skies environment
9		that we see.
10		Does that help?
11	Q	Thank you. In your prefiled testimony, you
12		cited two things about the Northern Pass
13		Project that you indicated would interfere with
14		the orderly development. So, I want to ask you
15		about those two things you cite.
16	A	(Collier) All right.
17	Q	The first thing you cited were the short-term
18		impacts. Now, am I correct that the Town's
19		concern, on a short-term basis, is that no one
20		will develop any residential property or
21		property in Easton while the Project is being
22		built because of the traffic disruptions and
23		uncertainty surrounding the construction
24		activities. Is that their concern?

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Collier) That's part of the concern. When you
2		explain traffic problems, you don't consider
3		the picture of a let's call it, we live in a
4		town that has a country road. And we're not
5		ashamed of it, we're proud of it. It's a road
6		that is noted by all neighboring chambers of
7		commerce as an ideal tourist route for scenic
8		beauty. You're looking at, on the east side,
9		Kinsman Mountain, which is the back side of
10		Franconia Notch, if you will. I live on that
11		road. And I'm four miles from where the Old
12		Man of the Mountain fell off the mountain. And
13		I'm not the old man that fell off.
14		It's four miles straight through the
15		mountain into the other valley. Forest is
16		mixed hardwoods and softwoods, and the color is
17		absolutely fabulous. And the traffic, during
18		tourist season, well, during foliage season,
19		you just don't go out on the road. But the
20		rest of the year people are advised by where
21		they're staying in the North Country to travel
22		on Route 116 for its scenic beauty.
23		When you take a road like Route 116, which
24		DOT tells us is not a "built" road, that means,

	[WITNESSES: Thibault Pastoriza Collier]
1	from our understanding, and what we see when we
2	see some digging across the road, is that the
3	road was never designed according to what we
4	ask people in subdivisions to design their
5	roads, which is a DOT scheme of clearing out
6	all the vegetative matter, getting down to
7	mineral earth, then putting in gravel, a
8	sufficient amount that it raises the level of
9	the road above the road above the field that
10	it's going through, and the road is constructed
11	on top of that so it can drain.
12	Easton Valley Road, Route 116, is the
13	oldest way to get from North Haverhill to
14	Franconia. And needless to say, it started as
15	a walking path, and then it started as a horse
16	path, and then as a wagon path. And then they
17	threw gravel in the muddy spots, and then
18	pretty soon they started taking care of the
19	road.
20	In reading old town reports, you'll find
21	that people were hired to work on the road for
22	25 cents an hour, and they worked off their
23	taxes of \$45 that way. So, we know what the
24	base of that road is, it's what was needed at
	{SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		the time it was built, which was
2		pre-automobile.
3		Now, as we all know, Mr. McAdam found a
4		way to pave dirt roads, and got the farmer out
5		of the mud. And since that time, Route 116 has
6		been getting higher and it's been getting
7		wider. Each time they pave it, the paving
8		machine paves a couple more inches on the side.
9		But any place you see that heavy traffic has
10		gone off the edge of it, that pavement
11		crumbles. That is not a road that you're going
12		to move 14-wheel dump trucks on to remove the
13		soil that needs to be taken out of the places
14		where the HDD terminals are going to be. It's
15		a tremendous amount of traffic.
16		And, if you've ever lived on a dirt road
17		in the summertime, you'll find, as they spill a
18		little bit of dirt, it eventually deteriorates
19		into being dust. You'll see one of those big
20		truck wheels just roll over it, and the dust
21		[indicating] puffs out. And that's not a
22		tourist road, and it's not a residential road.
23	Q	Okay. So, let me ask you about the long-term
24		impacts that you addressed in your testimony.
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

	[WITNESSES: Thibault Pastoriza Collier]
	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?
A	(Collier) Yes. That's correct.
Q	Do you believe that there are any other

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9 long-term concerns to developing property in 10 Easton from the Northern Pass Transmission line 11 that I didn't just mention?

12 (Collier) Well, that takes you to dreamtime, Α 13 and it's sort of hard to justify. But, as soon 14 as you make a road very travelable, like we assume that Route 116 would be returned at 15 least to the level of quality it has today, 16 17 probably, as we found, the tendency in rebuilding roads is to make them wider, 18 19 smoother.

20 And one of the things I didn't mention 21 earlier is there are many places in driving 22 through Easton, the branches of the trees 23 actually touch over the road. There aren't 24 many places like that in the world today. The {SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

	[WITNESSES: Thibault Pastoriza Collier]
1	trees along the side of the road in many cases
2	are survivors of the last logging, which was
3	around 1900. As a matter of fact, I lost a
4	tree in my yard the other night in the wind
5	storm. He was an old friend. He was 108
6	years-old and 93 feet tall. We're going to
7	lose all of those with any interruption on
8	either side of the road through the town, which
9	will take away the desirability of those who
10	want to pass through it slowly.
11	The people who pass through slowly are
12	mainly bicyclists. Because that 11 miles of
13	road, from Franconia, to we call it "Bungey
14	Corner", the intersection of Route 112 and 116,
15	is fairly flat, although it goes over a height
16	of land that separates the Wild Ammonoosuc
17	Watershed from the Ham Branch. But that is
18	one of the nice things, we have a 40-mile an
19	hour speed limit. We have enough driveways
20	intersecting with it, that that's reasonable.
21	But any time we get it paved, it's a heyday for
22	speeding tickets, but then it gets rough pretty
23	soon again. We anticipate that that quality
24	a better quality road going through will draw

		56 [WITNESSES: Thibault Pastoriza Collier]
1		some people who want to settle in the town, and
2		it will also be a deterrent to those who
3		recognize that it is no longer of the quality
4		that exists today, which is rural and
5		residential.
6	Q	So, is it your belief that that deterrent would
7		interfere with further developing residential
8		property?
9	A	(Collier) We do.
10	Q	Okay. Thank you. Ms. Pastoriza, let me turn
11		to you and ask you a few questions. First,
12	A	(Pastoriza) Can I address orderly development
13		first?
14	Q	Sure, if you want to add something.
15	A	(Pastoriza) I want to add that no one has
16		looked at orderly development in terms of the
17		Applicant occupying 30 to 50 percent of the
18		public underground right-of-way. Whether
19		that's fair that they should take the lion
20		share of something, that might need to be used
21		by other people, because they happen to have
22		got there first.
23	Q	So, is your point that, because they're going
24		to occupy this space, that will impact
		2015 OCLEDEN (E (Menning Consist ONIV) (12, 11, 17)

		[WITNESSES: Thibault Pastoriza Collier]
1		developing property adjacent to it?
2	A	(Pastoriza) It will do that. But it will also
3		impact future uses that we have perhaps no way
4		to imagine at this point with the road.
5		MR. NEEDLEMAN: Mr. Chair, I'm going
6		to object. This is new testimony.
7		CHAIRMAN HONIGBERG: This isn't even
8		in response to any question. Mr. Pappas, would
9		you please move on.
10		MR. PAPPAS: Thank you.
11	BY M	R. PAPPAS:
12	Q	On the screen now is Counsel for the Public
13		Exhibit 624. Do you see that?
14	A	(Pastoriza) Yes.
15	Q	And do I understand correctly, Ms. Pastoriza,
16		that you created this document?
17	A	(Pastoriza) At the best
18	Q	In the sense that you added the coloring to the
19		map?
20	A	(Pastoriza) Yes. At the best of my knowledge
21		at that point, having done some road research.
22	Q	Okay. Could you briefly tell us what documents
23		you used to determine the various dates and
24		widths of the road? What were your source
	\ C F C	2015-061 [Day 65/Morning Soccion ONIV1/12-11-17]

		[WITNESSES: Thibault Pastoriza Collier]
1		documents?
2	A	(Pastoriza) At the Archives on Fruit Street, in
3		Concord, they have records of most of the road
4		layouts from town records. So, from those
5		layouts, I found the 1804 layout, which is the
6		first section. And the 1833 layout, which was
7		mentioned by Mr. Hodgdon in his application.
8		And in those records was also the 1856 layout,
9		just south of Easton center.
10	Q	Okay. And you didn't mention the 1811
11		layout date. Where does that come from?
12	А	(Pastoriza) At 1811, a road was laid out from
13		somewhere on Kendall Brook, which is south of
14		where you see the word "Maxwell", and it went
15		to Stephen Kinsman's sawmill, which is about
16		where you see the word "Easton". Most likely,
17		it went along present 116. But, because the
18		layout has no landmarks, in terms of dwellings,
19		I could not say that for certain.
20	Q	Okay. And would I be correct in saying that
21		the widths you show on this map come directly
22		from the source documents you just described?
23	А	(Pastoriza) Yes, the road layouts.
24	Q	Okay. Now, on October 27, 2017, NPT filed a
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		draft survey with the New Hampshire Department
2		of Transportation that included Route 112, in
3		Easton. Are you aware of that?
4	A	(Pastoriza) Yes.
5	Q	And have you reviewed that draft survey?
6	A	(Pastoriza) Inasmuch as I could, given that it
7		has almost no landmarks.
8	Q	Okay. Have you done any research on the
9		right-of-way section on Route 112 that's
10		covered by that draft survey?
11	A	(Pastoriza) You saying the draft survey didn't
12		cover all of 112?
13	Q	No. My question is, have you done any research
14		on the right-of-way that the draft survey
15		covers, that section of 112?
16	A	(Pastoriza) My understanding is that it is
17		three rods for a short section from the
18		intersection of 116 and 112, heading towards
19		North Woodstock. There's a few other short
20		sections where it is also three rods. It's
21		fairly clearly documented where the Forest
22		Service had land and gave to DOT for their
23		construction projects, a fairly wide
24		right-of-way.

		[WITNESSES: Thibault Pastoriza Collier]
1	Q	And when you say "three rods", what's the
2		source of your information for that?
3	A	(Pastoriza) That was, I believe, an 1853
4		layout.
5	Q	Okay. And did you obtain that from the same
6		place as the other
7	A	(Pastoriza) Yes. That was Fruit Street
8		Archives.
9	Q	Okay. What's on the screen now is Joint Muni
10		Exhibit or, Joint Muni Bates stamp 005437.
11		Do you see that?
12	A	(Pastoriza) Yes.
13	Q	And did you create this exhibit?
14	A	(Pastoriza) I did.
15	Q	Okay. And just tell us the source documents
16		you used to create this exhibit?
17	A	(Pastoriza) The New Hampshire Granite site.
18	Q	Okay. And did you put the blue line with the
19		blue dots on it?
20	А	(Pastoriza) Yes.
21	Q	And what did you use to what was your source
22		of information for the blue line and the blue
23		dots?
24	A	(Pastoriza) The blue dots were where the HDDs
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		are proposed, as well as I could tell, looking
2		at a map and transposing them.
3	Q	Okay. So, the blue line is Route 116, and you
4		used the Applicants' indication of where HDDs
5		would be to place them on this map?
6	A	(Pastoriza) Yes.
7	Q	Okay. What was on the screen before was Joint
8		Muni Exhibit 113. What's on the screen now is
9		another page of Joint Muni Exhibit 113. This
10		one is Bates stamped 005435. Do you see that?
11	A	(Pastoriza) Yes.
12	Q	Okay. Now, it looks like first of all, let
13		me ask a question. Did you create this
14		document?
15	A	(Pastoriza) Yes.
16	Q	Okay. And it looks like you used some maps
17		from the Town of Easton. Do you see that?
18	A	(Pastoriza) Yes. Tax maps.
19	Q	Okay. And those tax maps are maintained by the
20		Town?
21	A	(Pastoriza) Yes.
22	Q	All right. And then the red line, is that
23		Route 116?
24	A	(Pastoriza) Yes.

		[WITNESSES: Thibault Pastoriza Collier]
1	Q	Then you'll see there are pink dots indicating
2		existing wells. Do you see that?
3	A	(Pastoriza) Yes.
4	Q	Where did you get the information about the
5		pink let me ask the first question. Did you
6		put the pink dots on the map?
7	A	(Pastoriza) Yes.
8	Q	Where did get the information about the pink
9		dots?
10	A	(Pastoriza) I made the assumption that a house
11		has a well.
12	Q	So, would I be correct in saying that each of
13		these pink dots represents a house?
14	A	(Pastoriza) Yes.
15	Q	And is that based on tax maps and tax
16		information with the Town of Easton?
17	A	(Pastoriza) Yes.
18	Q	Okay. And then you have blue dots. Do you see
19		those?
20	A	(Pastoriza) Yes.
21	Q	And tell us why you put blue dots on the map?
22		What do the blue dots indicate?
23	A	(Pastoriza) They're a conservative indication
24		that a lot will have a house on it in the
		2015 OGLIDAN 65/Marning Consist ONIVI(12 11 17)

		[WITNESSES: Thibault Pastoriza Collier]
1		future, and that house will have a well.
2	Q	So, the blue dots are existing lots in Easton
3		where there's no house on it?
4	A	(Pastoriza) Yes. And not accounting for
5		whatever subdivision might occur there.
6	Q	Okay. And again is you took that
7		information from the Town records that there's
8		no house on that existing lot?
9	A	(Pastoriza) Yes.
10	Q	Okay. Thanks. What's on the screen now is
11		Counsel for the Public's Exhibit 625, which is
12		a picture from your prefiled testimony. Do you
13		see that?
14	A	(Pastoriza) Yes.
15	Q	And did you take this picture?
16	A	(Pastoriza) Yes.
17	Q	Okay. And am I correct that this is a location
18		of a proposed HDD drill site on Route 116?
19	A	(Pastoriza) Yes. It's the south exit of the
20		one that begins across from the fire station.
21	Q	Okay. What's on the screen now is Counsel for
22		the Public Exhibit 130, Map 38. And do you see
23		"HDD-20" where the fire station is located?
24	A	(Pastoriza) Yes.

		64
		[WITNESSES: Thibault Pastoriza Collier]
1	Q	And the picture that you took, is it HDD-21?
2	A	(Pastoriza) It's HDD-20, the green triangle.
3	Q	Okay. So, the picture you took is part of the
4		HDD that goes in front of the fire station?
5	A	(Pastoriza) Yes.
6	Q	Okay. Do you know if what you're depicting is
7		the entry area or the exit area for this HDD?
8	A	(Pastoriza) I believe it's the exit.
9	Q	Okay. So, would I be correct in saying that
10		the entry area is somewhere to the left of your
11		picture?
12	A	(Pastoriza) I would say it's about two
13		telephone poles down on the right-hand side.
14	Q	Oh. So, going away from us?
15	A	(Pastoriza) Yes.
16	Q	Ah. Okay. I take it you're familiar with this
17		area of the road, correct?
18	A	(Pastoriza) Yes.
19	Q	And you had another picture in your prefiled
20		testimony. Was that of the same HDD site?
21	A	(Pastoriza) I think so, yes.
22	Q	What's on the screen now is Counsel for the
23		Public Exhibit 627, which is another picture
24		from your prefiled testimony. Is this the
	\ SEC	2015-06 [Day 65/Morning Session ONLY] (12-11-17)

		65 [WITNESSES: Thibault Pastoriza Collier]
1		area the other area for that HDD site?
2	A	(Pastoriza) This is the exit point, looking
3		from the opposite direction, up the hill,
4		rather than down the hill.
5	Q	Okay. Now, there's been testimony that, for
6		each HDD site, the entry area needs a 30 by
7		300 feet flat, cleared area. Do you recall
8		that?
9	A	(Pastoriza) Yes.
10	Q	And the exit area also needs a flat area for
11		the exit of a pit, correct?
12	A	(Pastoriza) Yes.
13	Q	Okay. Now, looking at this picture, as well as
14		the prior picture we showed, would I be correct
15		in saying that in neither picture is there a 30
16		by 300 foot flat area?
17	A	(Pastoriza) No. If you assume that the road
18		there is about the pavement is about 25 feet
19		wide, and it's also quite steep, the road,
20		steeper than it appears in the photograph.
21	Q	So, would I be correct or, do you believe
22		that, in order to do the HDD drilling at this
23		site that you've taken photographs of, they
24		will have to use at least one travel lane?

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Pastoriza) Yes.
2	Q	And that, if they go off the road, it's likely
3		they're either going to have to fill in an area
4		to gain enough space?
5	A	(Pastoriza) If that were permitted,
6	Q	Okay.
7	A	(Pastoriza) they would have to fill the
8		river in.
9	Q	And if it were not permitted, do you believe
10		they'd have to use more of the travel more
11		of the road than one lane?
12		MR. NEEDLEMAN: Objection, Mr. Chair.
13		Ms. Pastoriza I don't believe has any expertise
14		in these issues to be able to offer these
15		opinions.
16		CHAIRMAN HONIGBERG: Mr. Pappas.
17		MR. PAPPAS: I'm just asking her in
18		terms of dimensions. I mean, she testified
19		that she took these pictures. She's familiar
20		with the area of the road. I think she has the
21		expertise to determine a 30 by 300-foot area.
22		CHAIRMAN HONIGBERG: Is that all the
23		question was, about that?
24		MR. PAPPAS: Yes. Just dimensions,
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

<pre>1 exactly. 2 CHAIRMAN HONIGBERG: Overruled. 3 can answer.</pre>	You
	You
3 can answer	
3 can answer.	
4 BY THE WITNESS:	
5 A (Pastoriza) A 30-foot work area would const	ıme
6 the existing pavement.	
7 A (Collier) If I may? If I may?	
8 BY MR. PAPPAS:	
9 Q Sure.	
10 A (Collier) This particular site is very clos	se to
11 the site that was discussed by Dr. McLaren	last
12 week, and that is a perennial stream flowing	ıg
13 through that gulch that you see there. That	at's
14 not something that can be buried or made to	o go
15 away.	
16 Q Okay. Now, what's on the screen now is Con	ınsel
17 for the Public Exhibit 625, which we saw a	
18 moment ago, which is the same area for this	3 HDD
19 site, just a different angle. Correct?	
20 A (Pastoriza) Yes.	
21 Q And based on your familiarity with this are	ea,
do you believe that there is a clear 30-for	ot
23 wide work area in this area that would not	
24 require use of the pavement area?	

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Pastoriza) There is neither space, and, in
2		addition, this is an area of undetermined
3		right-of-way.
4	Q	What do you mean by "this area of undetermined
5		roadway" [sic]?
6	A	(Pastoriza) The right-of-way here is
7		undetermined. So, you have the physical
8		constraints of a steep slope, and a gulch with
9		a river, and then you have the legal
10		constraints of the width, actual width of the
11		right-of-way.
12		MR. PAPPAS: Okay. Thank you. Thank
13		you, Mr. Chairman. I have no other questions.
14		CHAIRMAN HONIGBERG: All right. Why
15		don't we take a ten-minute break. But off the
16		record.
17		[Brief off-the-record discussion
18		ensued.]
19		(Recess taken at 10:26 a.m.
20		and the hearing resumed at
21		10:42 a.m.)
22		CHAIRMAN HONIGBERG: Ms. Saffo.
23		MS. SAFFO: Thank you.
24	BY M	S. SAFFO:
	(C F C	2015-061 [Day 65/Morning Session ONIV]/12-11-171

		[WITNESSES: Thibault Pastoriza Collier]
1	Q	So, do you mind, and you can pick who you think
2		is best to do this, to briefly give an overview
3		of the Town of Easton's efforts to learn about
4		the extent of this Project? Is there a way to
5		summarize that?
6	A	(Pastoriza) Starting in 2010?
7	Q	Yes.
8	A	(Pastoriza) That's seven that's seven years
9		
10	Q	Yup.
11	A	(Pastoriza) of learning. There was a town
12		meeting where Northern Pass presented their
13		project. There were four people present. One
14		person said "I will fight this project every
15		step of the way." And that's what's happened.
16		We had the original AOT permit packages, which
17		showed simply a line down the center of the
18		road. The next information was the Application
19		to DOT, which gave some more detail about
20		supposed road widths and plans to go under the
21		pavement.
22		We had a CC meeting with Northern Pass,
23		which also discussed, I believe, under the
24		pavement burial. We had a Select Board meeting
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		70
		[WITNESSES: Thibault Pastoriza Collier]
1		with Northern Pass covering the same issues,
2		with the same answers. In December 2016, we
3		got the permit packages, which was the first
4		really detailed plan for the Project, which
5		took a lot of reading to see what was happening
6		with those.
7		And then there was the survey. There was
8		the release by DOT onto their site of the
9		meeting minutes between Northern Pass and DOT,
10		which provided a lot of back information we
11		hadn't had before about how the Project had
12		came to DOT, and DOT's response. And there was
13		a survey that was rejected, and the Exception
14		Requests, which were alterations to the plan.
15		There had been many letters from the Town
16		to various regulatory agencies expressing
17		concerns.
18	Q	So, now, you reference two things. You
19		reference the Conservation Commission meeting
20		and the Select Board meeting. Is it fair to
21		say the Select Board meeting was the
22		November 9th, 2015 meeting?
23	A	(Pastoriza) Yes.
24	Q	And then the Conservation Commission meeting
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		was the February 11th, 2016 meeting?
2	A	(Pastoriza) Best of my recollection, yes.
3	Q	And then up until that point, when they came to
4		the Select Board meeting and the Conservation
5		meeting in late 2015-2016, do you know if
6		Easton had been asking Northern Pass to come
7		before them?
8	A	(Pastoriza) The Conservation Commission asked
9		them quite early on to meet, and I believe
10		Mr. Long promised that there would be a
11		meeting, and it would be in advance of the SEC
12		process. And it took a year and a half for
13		that meeting to happen.
14	Q	So, Easton had been wanting to meet with
15		Northern Pass to learn as much as they could
16		about the Project?
17	A	(Pastoriza) Yes.
18	Q	Now, turning to the Eastman [Easton?] Select
19		Board meeting and the Conservation Commission
20		meeting, at that point in time you indicated
21		that you had the earlier I'll use the phrase
22		"plans", which was a line down the center of
23		the road. At those two meetings, so now
24		they're meeting with the Select Board and the
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		Conservation Commission, do you recall the
2		representations as to where the holes would be
3		dug?
4	A	(Pastoriza) There was a very clear implication
5		that it would be under the road.
6	Q	And was that something that the citizens who
7		were attending those meetings were interested
8		in knowing?
9	A	(Pastoriza) They were very interested in
10		knowing that it would be under the road, yes.
11	Q	And when did do you recall when it became
12		evident that it would be adjacent to the road,
13		so, in private landowners' property, as opposed
14		to under the road?
15		MR. NEEDLEMAN: Objection. The
16		Project is not proposed to be in private
17		landowners' properties.
18		CHAIRMAN HONIGBERG: Ms. Saffo.
19		MS. SAFFO: Actually, I think it's
20		fair to characterize it as such. I can
21		rephrase it. But, if the DOT has a
22		right-of-way, and it's going to be in the DOT
23		right-of-way, it's still also implicating
24		private landowners' property, because

	[WITNESSES: Thibault Pastoriza Collier]
1	CHAIRMAN HONIGBERG: You can ask your
2	next question. You just said you were going to
3	ask another question.
4	MS. SAFFO: Okay. I'll just rephrase
5	it.
6	BY MS. SAFFO:
7	Q So, when did they learn it wasn't going to be
8	under the blacktop, but adjacent in what has
9	been referenced as a "DOT easement"?
10	A (Pastoriza) There have been many meeting
11	minutes between DOT and Northern Pass with
12	back-and-forth conversations about where the
13	line might go. There was the Application, was
14	a blanket request to be under the road, which
15	was followed by Exception Requests due to
16	demands by DOT that the Project be sited at the
17	far edge of the right-of-way whenever possible.
18	So, there's been an ongoing conversation,
19	which we had been privy to in delayed
20	documents, depending on when they're released
21	to the DOT site. Where DOT is conversing with
22	Northern Pass about where the line can go under
23	the road and where the line needs to be at the
24	edge of the right-of-way.

		/4 [WITNESSES: Thibault Pastoriza Collier]
1	Q	And then and these minute meetings, when was
2		this shared with Easton formally?
3	А	(Pastoriza) The majority of meeting minutes
4		came out when I made a 91-A request to DOT. At
5		that point they began posting things on the
6		site. Sometimes of their own accord, sometimes
7		things that I requested through a 91-A were
8		then posted to the site.
9	Q	And, so, this was not information brought to
10		you at either the Select Board meeting of
11		November 9th, 2015, or the Conservation
12		Commission meeting at February 11th, 2016,
13		correct?
14	A	(Pastoriza) No.
15	Q	And at any point in time was the Town of Easton
16		updated, you know, saying "okay, we told you
17		this on November 9th, 2015 and/or February
18		11th, 2016, but, Town of Easton, we're coming
19		to you with updated information"? Did that
20		ever occur?
21	А	(Pastoriza) No.
22		MR. NEEDLEMAN: Mr. Chair, I'm going
23		to object at this point. This all information
24		that predates April 17th, and should have and
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

[WITNESSES: Thibault | Pastoriza | Collier] 1 could have been included, if they wanted to. CHAIRMAN HONIGBERG: Ms. Saffo. 2 3 MS. SAFFO: Again, I think this is 4 appropriate cross-examination of a witness. 5 It's also following additional information that continues to come to light. So, to say that we 6 7 should have included this in prefiled testimony, well (a) these aren't my witnesses; 8 9 but (b) again this is information that 10 continues to come to light as the process 11 continues. 12 CHAIRMAN HONIGBERG: If you want to 13 reference something that's come to light since 14 the testimony, then by all means do so. 15 MS. SAFFO: Yes. For example, the 16 survey minutes of the DOT/Northern Pass 17 meetings have been -- I believe it was 18 September 19th of this year. 19 CHAIRMAN HONIGBERG: So, you want to 20 ask him a question about something from September 19th, go ahead. 21 22 MS. SAFFO: Okay. 23 BY MS. SAFFO: 24 So, turning to the survey process. Now, {SEC 2015-06} [Day 65/Morning Session ONLY] {12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		there's I want to distinguish between this
2		term "survey", to make sure we're clear about
3		what we're talking about. There's a legal term
4		"survey", which is a survey that could arguably
5		be following the statute and the regulations,
6		the land use statutes and regulations. And
7		then there's documents, which have been called
8		a "survey", that don't necessarily meet those
9		regulations. So, you're going to see me saying
10		a "survey type" document, because I think it's
11		important to distinguish between those. Okay?
12		Is that okay if I say "survey type"?
13	A	(Pastoriza) Yes.
14	Q	Okay. So, one of the issues that Eastman
15		appears to be raising in its prefiled testimony
16		and in your testimony today is a concern about
17		a survey in the right-of-way. What is your
18		concern?
19		MR. NEEDLEMAN: Objection. Calls for
20		repetition of testimony.
21		CHAIRMAN HONIGBERG: Where is the
22		testimony, Mr. Needleman, that it's repeating?
23		MR. NEEDLEMAN: The question related
24		to asking her to repeat information that she
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		was referencing of the testimony.
2		MS. SAFFO: I'm asking for more
3		detail. And I think that's appropriate.
4		CHAIRMAN HONIGBERG: I'm not sure it
5		is appropriate, Ms. Saffo. This is testimony
6		that's been given. If there's something
7		unclear about it and you need clarification,
8		but let's keep it narrow and not an open-ended
9		invitation to recast, rehash, and provide more
10		detail on testimony that's already been given.
11		MS. SAFFO: Okay.
12	BY M	S. SAFFO:
13	Q	You were referencing some minutes between
14		meetings between Northern Pass and the New
15		Hampshire Department of Transportation. Do you
16		recall the one in September of this year, when
17		they discussed the survey requirements?
18	A	(Pastoriza) There is a latest document on the
19		DOT site discussing the survey, is a agreement
20		between DOT and NPT for a set of standards,
21		which, if followed, would enable the survey to
22		be accepted by DOT.
23	Q	And has the Town of Easton seen this new survey
24		referenced in that September 19th document?
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Pastoriza) A snippet of 2.5 miles of draft
2		survey has been submitted for the Bridgewater
3		to part of Plymouth route. And that's only a
4		draft survey. A draft survey has been
5		submitted for parts of White Mountain National
6		Forest. But Easton has not seen even a draft
7		survey for our town.
8	Q	Okay. So, as of today's date, you're still
9		waiting for that survey type document
10		referenced in the meeting, in the minutes of
11		September 2017?
12	A	(Pastoriza) Yes.
13	Q	And why are you interested in seeing that
14		document referenced in the September minutes?
15	А	(Pastoriza) Without a survey, there's no way to
16		know the construction area, the construction
17		times, and whether abutters have issues they
18		want to bring up about the survey. They may
19		have information of their own and they may
20		dispute the survey. We can't know
21		environmental effects. We can't know noise
22		effects. There are many issues that rest upon
23		the survey, that we can't know fully until we
24		have a survey.

1		[WITNESSES: Thibault Pastoriza Collier]
1	Q	So, sitting here today, can the Town of Easton
2		officials mark for citizens in Eastman
3		[Easton?] where the holes are going to be dug,
4		for HDD, for the vaults, for the trenches?
5	А	(Pastoriza) No.
6	Q	Now, just as one issue I wanted to bring up, as
7		far as staging areas. There's been discussion
8		about staging areas. Do you yet know where the
9		staging areas are going to be in the Town of
10		Eastman Easton for the dirt that's going to
11		be transported?
12	A	(Pastoriza) We have no notification that there
13		have been staging areas required by the
14		Applicant.
15	Q	And you were talking earlier about the
16		construction. Now, if there isn't a staging
17		area close by, does that increase the distance
18		where the dump trucks and concrete trucks have
19		to travel?
20	А	(Pastoriza) Yes.
21	Q	You've already testified about the impact on
22		roads. So, I won't ask us to reiterate that.
23		But have you gotten a calculation of how many
24		truckloads of dirt will be going back and forth
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		on those roads?
2	A	(Pastoriza) Counsel for the Public's witnesses
3		did make a calculation. I do not remember what
4		the numbers were.
5	Q	Okay. And then about how many loads of
6		concrete will be being traveling how many
7		loads of concrete will be traveling on your
8		roads?
9	A	(Pastoriza) Again, the Counsel for the Public
10		addressed that, but I don't remember the
11		numbers.
12		MS. SAFFO: Thank you. No further
13		questions.
14		WITNESS THIBAULT: Can I add one
15		other thing that we may have overlooked?
16		CHAIRMAN HONIGBERG: Wait, wait,
17		wait, Mr. Thibault. What are you referring to?
18		WITNESS THIBAULT: The question that
19		was asked about what kinds of meetings we've
20		had with Northern Pass and regulatory agencies.
21		CHAIRMAN HONIGBERG: Back that's
22		the first question Ms. Saffo asked?
23		WITNESS THIBAULT: The very first
24		one, yes.
	(~ - ~	

[WITNESSES: Thibault|Pastoriza|Collier] 1 CHAIRMAN HONIGBERG: It really would 2 have been better if you had done it then. 3 WITNESS THIBAULT: I'm sorry. I just --4 5 CHAIRMAN HONIGBERG: Why don't you 6 say what you want to say now. 7 WITNESS THIBAULT: I just wanted to point out that we did go down into Concord and 8 9 meet with DOT as well. That was one thing that 10 we left out. 11 MS. SAFFO: May I ask one follow-up 12 on that? 13 CHAIRMAN HONIGBERG: Go ahead. 14 BY MS. SAFFO: 15 Did you attend the Loon public -- did a Q 16 representative from Easton attend the Loon 17 public hearings as well? 18 А (Thibault) I didn't personally, but we have 19 people in town who have -- who did attend those 20 meetings. 21 MS. SAFFO: Thank you very much. CHAIRMAN HONIGBERG: Ms. Menard. 22 23 MS. MENARD: Good afternoon -- sorry, 24 good morning. I'm thinking ahead here. I have {SEC 2015-06} [Day 65/Morning Session ONLY] {12-11-17}

	82 [WITNESSES: Thibault Pastoriza Collier]	
1	just a couple questions for you, Ms. Pastoriza.	
2	I'm Jeanne Menard, from the Deerfield Abutters.	
3	BY MS. MENARD:	
4	Q And I have followed a series of communications	
5	between the Easton Conservation Commission and	
6	Kurt Nelson, who is the Licensing and	
7	Permitting Department from Eversource. He	
8	oversees that area. And there's a May 9th	
9	letter on the screen. And I've labeled it	
10	"Deerfield Abutter 61b" [Correction: #61]. And	
11	it did not seem that there was very much	
12	progress made on your Commission's effort to	
13	establish wildlife crossings.	
14	So, in a letter a year before that, in	
15	2016, Eversource had indicated that they were	
16	going to be doing some tabletop work to	
17	identify possible areas that might be suitable	
18	for the wild land crossings.	
19	Do you know if Eversource identified any	
20	areas in the seven miles of right-of-way	
21	easement suitable for wildlife corridors in	
22	your community?	
23	MR. NEEDLEMAN: Mr. Chair, I'm going	
24	to object on relevance. Does this relate to	
	{SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}	

	[WITNESSES: Thibault Pastoriza Collier]
1	the proposed Project?
2	MS. MENARD: Yes.
3	CHAIRMAN HONIGBERG: How does it
4	relate to the proposed Project?
5	MS. MENARD: In terms of wildlife
6	corridor buffers, there's been a very it's
7	an effort that actually was initiated back in
8	2010 as an area of concern for opening up these
9	new rights-of-way and expanding on
10	rights-of-way. And, so, one of the conditions
11	that a lot of the conservation commissions have
12	weighed in on is this concept of not clearing
13	the full extent of the right-of-way, but to
14	in areas that you can maintain vegetative
15	buffers for wildlife to still cross through,
16	this has been an ongoing topic.
17	CHAIRMAN HONIGBERG: The line is
18	going to be buried in Easton, is it not?
19	BY MS. MENARD:
20	Q Ms. Pastoriza, so, can you clarify
21	MS. MENARD: You're absolutely
22	correct.
23	CHAIRMAN HONIGBERG: Don't sound so
24	surprised.
	{SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

1	[WITNESSES: Thibault Pastoriza Collier]
1	[Laughter.]
2	MS. MENARD: I apologize. Yes. I'm
3	surprised, because I didn't put two and two
4	together. And, as of May of 2017, they were
5	still communicating about this topic.
6	And you're absolutely right. And I
7	apologize for taking everybody's time.
8	BY MS. MENARD:
9	Q Unless is there anything that you care to add
10	that is relevant on this topic?
11	CHAIRMAN HONIGBERG: Well, no, no.
12	We don't ask questions like that. That's not
13	going to work.
14	MS. MENARD: My apologies.
15	CHAIRMAN HONIGBERG: Thank you, Ms.
16	Menard.
17	MS. MENARD: Sure.
18	CHAIRMAN HONIGBERG: Ms. Crane.
19	MS. CRANE: I'm here. Charlotte
20	Crane. A member of the Ashland to Deerfield
21	Non-Abutter Group.
22	BY MS. CRANE:
23	Q Is there anything about the possibility of the
24	removal of vegetation in Easton that might
	{SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

	[WITNESSES: Thibault Pastoriza Collier]
1	appropriately be addressed through a concern
2	for wildlife crossings?
3	MR. NEEDLEMAN: Objection.
4	Irrelevant.
5	CHAIRMAN HONIGBERG: Ms. Crane.
6	MS. CRANE: I am under the impression
7	that even the underground portion there will be
8	substantial loss of vegetation. And I
9	CHAIRMAN HONIGBERG: And the basis
10	for your understanding is what?
11	MS. CRANE: The exhibits that I've
12	seen and the proximity of vegetation to the
13	roadways.
14	CHAIRMAN HONIGBERG: All right. Is
15	there some questions you want to ask these
16	witnesses about a particular thing you've seen
17	or heard that is from the materials that post
18	date their testimony, happened here or recent
19	pieces of correspondence or something?
20	MS. CRANE: I just wanted to make
21	sure, I've heard a lot about loss of vegetation
22	in terms of views and land values. I wanted to
23	make sure that the panel didn't have concerns
24	that would not be encompassed by those two
	{SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		categories, with respect to the vegetative
2		loss.
3		CHAIRMAN HONIGBERG: Beyond what is
4		in their prefiled testimony?
5		MS. CRANE: Correct.
6		CHAIRMAN HONIGBERG: Because there's
7		testimony about their concerns about what's
8		going to happen in Easton in their prefiled
9		testimony, and that should govern the scope of
10		the questions you're asking them here.
11		MS. CRANE: I am willing to limit the
12		scope of my question to things that were
13		appropriately not included in their prefiled
14		testimony.
15		CHAIRMAN HONIGBERG: You reversed the
16		order of things. What's you're next question,
17		Ms. Crane, because I don't think they can
18		answer the question you asked?
19	BY M	S. CRANE:
20	Q	Is there anything that has come to your
21		attention since the prefiled testimony since
22		your filing of prefiled testimony, regarding
23		vegetation concerns?
24	А	(Pastoriza) I would note that DOT asked
	\ S F C	2015-06} [Day 65/Morning Session ONLY] {12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		Eversource to provide clearing maps, maps of
2		the area that would be cleared for the
3		underground in 2016, and the Applicant has not
4		provided those. That would affect how much
5		area would be cleared over streams, which could
6		affect habitat for fish and invertebrates.
7	Q	Okay. Thank you. In your interactions with
8		the various State agencies involved,
9		particularly since the filing of prefiled
10		testimony, have these agencies been able to
11		consistently provide you with the information
12		that you thought you both you and the agency
13		needed to fulfill your function with respect to
14		these proceedings?
15		MR. NEEDLEMAN: Objection. I think
16		this needs to be tied to specific issues that
17		came up after April 17th.
18		CHAIRMAN HONIGBERG: Ms. Crane.
19		MS. CRANE: Are there any I'll
20		just restate the question.
21	ВҮ М	S. CRANE:
22	Q	Are there any of your interactions since April
23		that have not involved the agency in which
24		the agency has not been able to provide you
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

 with the information that you were hoping to obtain? MR. NEEDLEMAN: Same objection. CHAIRMAN HONIGBERG: Ms. Crane, wh 	əre
3 MR. NEEDLEMAN: Same objection.	ere
	ere
A CHATRMAN HONTGRERG. Me Crano wh	ere
· CHAINIAN HONIDDENG, MD, CIGHE, WH	
5 are you going here?	
6 MS. CRANE: Well, my ultimate	
7 question is whether they have an opinion abo	ut
8 whether the agency has been provided with th	е
9 information that both the agency and the loc	al
10 bodies would need in order to fulfill their	
11 assigned roles.	
12 CHAIRMAN HONIGBERG: Which agency?	
13 MS. CRANE: Any of the State	
14 agencies. I'll limit it to the DOT, if you	
15 would prefer?	
16 CHAIRMAN HONIGBERG: I'd like you	to
17 ask a nice focused question. So, if you wan	t
18 to ask about their communications with DOT,	I
19 guess that question can stand. Does anyone	
20 have an answer to that?	
21 BY THE WITNESS:	
22 A (Pastoriza) I would point out that the most	
23 useful information from DOT came through 91-	A
24 requests.	

		[WITNESSES: Thibault Pastoriza Collier]
1	BY M	S. CRANE:
2	Q	And could you repeat for the record what the
3		91-A requests involve?
4	A	(Pastoriza) That's the Freedom of Information
5		Act. So, I've made repeated requests to DOT
6		for information involving their conversations
7		with Northern Pass. As I said, some of that
8		was later posted to the DOT site. And that's
9		what's been most fruitful in terms of agency
10		communication with DOT.
11	Q	And, so, the primary source or a significant
12		source of your information has not been from
13		the Applicant, but from what you have asked
14		from the agency, and the agency had not been
15		it had not been easy to get that information
16		without the Freedom of Information Act request?
17		MR. NEEDLEMAN: Objection.
18		CHAIRMAN HONIGBERG: Ms. Crane, I'm
19		not sure that's what she said. I'm not sure
20		what the purpose was of trying to restate her
21		testimony. She gave you an answer to the
22		previous question. And I don't know that you
23		restated it properly. It didn't sound to me at
24		all like what she said.

	[WITNESSES: Thibault Pastoriza Collier]
1	And I'm not sure what the purpose of
2	that is. Your question and her answer,
3	perfectly good ones. What's the next question?
4	BY MS. CRANE:
5	Q The next question is simply, is there enough
6	information at this point for you, in your
7	official capacities, to proceed? Are you
8	comfortable with the amount of information that
9	you now have?
10	MR. NEEDLEMAN: Objection.
11	CHAIRMAN HONIGBERG: I'm going to
12	overrule it, because we know the answer. Go
13	ahead, you can answer.
14	BY THE WITNESS:
15	A (Pastoriza) No. We don't have enough
16	information to assess the Project.
17	MS. CRANE: Thank you.
18	CHAIRMAN HONIGBERG: Ms. Schibanoff.
19	MS. SCHIBANOFF: I have one piece of
20	material to put on the ELMO that Mr. Lakes is
	material to put on the ELMO that MI. Lakes is
21	going to do right now.
21 22	
	going to do right now.
22	going to do right now. Carl, could you put the transcript

		[WITNESSES: Thibault Pastoriza Collier]
1		MS. SCHIBANOFF: Thank you. Good
2		morning, panel.
3		WITNESS THIBAULT: Good morning.
4		MS. SCHIBANOFF: I'm Susan
5		Schibanoff, from the Non-Abutting Property
6		Owners Bethlehem to Plymouth. And Mr. Pappas
7		has anticipated the first half of the questions
8		that I wanted to ask Mr. Collier and
9		Mr. Thibault. Mr. Collier, can you hear me
10		okay?
11		WITNESS COLLIER: Yes, I can.
12		MS. SCHIBANOFF: Thank you.
13	BY M	S. SCHIBANOFF:
14	Q	Mr. Pappas established that both Mr. Collier
15		and Mr. Thibault have raised the issue of
16		property values in their petitions or,
17		testimonies, is that correct, Mr. Collier?
18	A	(Collier) Yes, it is.
19	Q	Okay. Mr. Thibault?
20	A	(Thibault) Yes.
21	Q	And he has also established that I think he
22		said one-third of the tax parcels in Easton lie
23		along the proposed underground route?
24	A	(Thibault) Approximately, yes.
	(C T C	2015-061 [Day 65/Marning Soccion ONIV] (12-11-17)

		[WITNESSES: Thibault Pastoriza Collier]
1	Q	Okay. What I'd like to ask you about, and
2		we're going to look at this piece of transcript
3		now, what I'd like to ask you about is a
4		statement made on August the 2nd, 2017, by the
5		Applicants' real estate consultant, Dr. James
6		Chalmers. Did you hear his testimony?
7	A	(Thibault) I didn't. I read his prefiled.
8	Q	Okay. Mr. Collier?
9	A	(Collier) No.
10	Q	You're not familiar with it. Okay.
11		MS. SCHIBANOFF: Carl, if you could
12		move that piece of paper. There you go, so we
13		pick up the yellow highlighting on the bottom.
14	BY M	S. SCHIBANOFF:
15	Q	The questioner is me, and the respondent is
16		Dr. Chalmers. I asked him whether he had in
17		any way addressed other possible impacts than
18		the visibility of towers of a buried route in a
19		state road on property values in the Northern
20		Pass Project? His answer: "Not beyond
21		visibility, no. I responded "Well, why have
22		you not done that?" Dr. Chalmers said "Because
23		I don't see that there are any property value
24		implications." Meaning no property value loss,
	{SEC	2015-06}[Dav 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		or gain, presumably, implications of a buried
2		line on the abutting property.
3		Now, Mr. Thibault and Mr. Collier, you
4		have both filed or adopted testimony in which
5		you say that you are worried about negative
6		impacts of a buried route on the abutting
7		property values. Could each of you describe
8		what you see as those implications?
9	A	(Thibault) First of all, I read his
10		Mr. Chalmers' prefiled testimony, and I notice
11		that only twice did he mention "underground",
12		and it was only to say that there would be "no
13		visible impacts".
14		I disagree with that. There will be
15		visible impacts. We envision a strip running
16		right down the road where the line is buried.
17		Not necessarily under the road, as we were
18		told, but beside the road. There will be
19		visual impacts on the box car size splice
20		vaults.
21		So, given that, and what Mr. Collier
22		already mentioned about the character of the
23		road, the people who live here are going to see
24		this as a diminishing of the values of their
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

1		[WITNESSES: Thibault Pastoriza Collier]
1		property. And people who are going to come to
2		buy these properties, commonsense is going to
3		say "Yes, you have this big power line out in
4		front of you", it will, and I have to say, yes,
5		I'm not an expert like Mr. Chalmers, but
6		commonsense is going to say that people are
7		going to want to pay less for that property, as
8		opposed to the one that's maybe a road over
9		that doesn't have the high-voltage line in
10		front of it.
11		So, secondly, the people who live there
12		now are already seeing and planning that their
13		properties will be diminished, and already
14		planning on coming in to the Town for
15		abatements of their taxes, which I think, as we
16		said earlier this morning, that all that's
17		going to do is raise the taxes for everyone
18		else. If we lower one property owner's taxes,
19		somebody else's has to go up. So, yes, we do
20		see this as a big issue.
21	Q	Thank you. Mr. Collier, do you see any other
22		implications?
23	А	(Collier) Yes. And I'm not sure it's
24		admissible. But my history in the North

[WITNESSES: Thibault Pastoriza Collier]	55
Country has been being involved with the	
Village at Loon Mountain, which, of course,	is
not nearby, and with Franconia Notch Vacatio	ons,
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 rig	nt

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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.

on the Main Street, in Franconia.

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

{SEC 2015-06} [Day 65/Morning Session ONLY] {12-11-17}

	[WITNESSES: Thibault Pastoriza Collier]
1	vacation, he does not come to that living room
2	or that bedroom and sit in it. That's his
3	center of operations.
4	People who come north, as you probably
5	noticed, drive around a bit. They use
6	motorcycles, they use bicycles, and they are
7	out enjoying the ambiance of our roads and
8	towns, Easton being one of them. Easton being
9	on one of the very popular circuits advertised
10	by chambers of commerce for tourists to travel.
11	It's also on a favorite motorcycle tour route.
12	These people judge their vacation from
13	their whole experience, from what they do each
14	day, where they had a good meal; where they had
15	a bad breakfast; where they had to wait on the
16	highway bagayoo they yere putting in a new

16 highway because they were putting in a new culvert; where the highway was torn up; where 17 the forest has been torn down; where they're 18 19 repaving a road. All of these things come into 20 that individual who has come to New Hampshire, 21 from far away, and all you need to do is go out 22 and look at license plates to see where people 23 come from. Our marketing area is, of course, New York, Connecticut, and Rhode Island, but --24

{SEC 2015-06} [Day 65/Morning Session ONLY] {12-11-17}

	97 [WITNESSES: Thibault Pastoriza Collier]
1	MR. NEEDLEMAN: Mr. Chair, I think
2	we're far beyond the scope of the question
3	here.
4	CHAIRMAN HONIGBERG: Mr. Collier, do
5	you remember the question?
6	WITNESS COLLIER: I do, indeed.
7	CHAIRMAN HONIGBERG: What was the
8	question?
9	WITNESS COLLIER: The question dealt
10	with "how does this Project interfere with the
11	value of the property?"
12	CHAIRMAN HONIGBERG: Both questions
13	and answers need to be more focused.
14	Ms. Schibanoff.
15	BY MS. SCHIBANOFF:
16	Q May I ask you, Mr. Collier, if you are still
17	concerned about what you wrote in the petition
18	that you composed for the Planning Board, and
19	I'll read that briefly. These are your words:
20	"Routing this Project through our residential
21	neighborhood subjects these property owners in
22	perpetuity to the potential risk of
23	catastrophic accidental dig-ins. Property
24	owners located along this latest proposed
	(SEC 2015 OG) [Day 65/Marning Secretary ONIV] (12 11 17)

		[WITNESSES: Thibault Pastoriza Collier]
1		corridor already bear the uncertainty of not
2		knowing if the Project will damage and/or
3		impact the value of their property." You wrote
4		that in the petition of I forget what the
5		date was, late 2015.
6		Does Dr. Chalmers' statement change your
7		mind about that?
8	A	(Collier) No, not at all. I don't believe he
9		looks into the hearts of the people who own the
10		properties or, in my professional life, the
11		people who rent them.
12	Q	Thank you. One further short question, and
13		this is for Ms. Pastoriza. Following up on a
14		map that I believe Counsel for the Public
15		showed. You had indicated bore holes and
16		indicated where there were findings of
17		hydrocarbons. Do you recall that map?
18	A	(Pastoriza) Yes.
19	Q	Can you tell us what these hydrocarbons are?
20		Why are they finding hydrocarbons along the
21		road in Easton?
22	A	(Pastoriza) As I understand, hydrocarbons tend
23		to indicate a leaking fuel storage tank, I
24		would suspect underground. I know there used
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		99 [WITNESSES: Thibault Pastoriza Collier]
1		to be a gas station out at that corner, 112 and
2		116, where those hydrocarbons were found.
3		MS. SCHIBANOFF: Thank you. That's
4		all I have.
5		CHAIRMAN HONIGBERG: Ms. Draper.
6		MS. DRAPER: Yes. Hello. I'm over
7		here. Excuse me. I just have two quick
8		questions.
9	BY M	S. DRAPER:
10	Q	One has to do with the testimony, and I guess
11		it was Mr. Collier had identified water
12		resources, water flow, water quality as a
13		concern. And I was wondering if you have
14		protected aquifers in your town?
15	A	(Collier) Yes.
16	Q	And what are they do they have a rating?
17	A	(Collier) Oh, boy. Now you've got me.
18	Q	Okay.
19	A	(Collier) The aquifer that is in the Valley,
20		extends from Franconia through to Easton. And
21		it's a glacial drift aquifer. And it is
22		labeled as one of the finest in the State of
23		New Hampshire. And I can't report the source
24		of that. But it's important enough that it
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		IUU [WITNESSES: Thibault Pastoriza Collier]
1		is the Town of Easton has seen fit to have
2		an Aquifer Protection District in its Zoning
3		Ordinance.
4	Q	Okay. And is this protected area, protected
5		aquifer, where is that in relation to the
6		Northern Pass proposed route?
7	A	(Collier) It is on it is beneath Route 116
8		and to either side of it. Route 116 is in the
9		bottom of this glacial valley that is Franconia
10		and Easton. And it extends from about the
11		north side of I-93, in Franconia, all the way
12		south, in Easton, to about a mile south of the
13		area that we were discussing located by the
14		Town Hall. Which is essentially at the height
15		of land between the Ham Branch watershed and
16		the wild Ammonoosuc watershed, perhaps just a
17		mile shy of it.
18	Q	All right. Thank you. And this question is
19		for anyone on the panel, although it came from
20		Mr. Thibault's testimony of April 2017.
21		You had mentioned that there were concerns
22		about best management practices that would help
23		environmental damage, and that the Town's
24		position was that they were not impressed with
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		101
1		[WITNESSES: Thibault Pastoriza Collier]
1		some of the borings and the utilizations of
2		best management practices. And I wondered if
3		that was still the Select Board's opinion?
4	А	(Thibault) Yes. And you just said it. Best
5		management practices would help. They wouldn't
6		prevent.
7	Q	Right.
8	A	(Thibault) So, it is still our opinion that
9		best management practices are at best a
10		compromise between harmful and harmless.
11		Secondly, when we were watching the boring
12		operations going on, when they started out,
13		there was no best management practices that we
14		could see that were involved. They were
15		dumping slurry on the side of the road. There
16		was frac-outs in the streams nearby. And that
17		was until a citizen started to hold their feet
18		to the fire.
19	Q	Okay.
20	A	(Thibault) And then they at least started doing
21		the best management practices. And this is
22		after we were told that "all of our contractors
23		will be monitored for best management
24		practices." And we just didn't see that. So,
		2015 OCLEDEN CE (Menning Consister ONIVI(12, 11, 17)

1		[WITNESSES: Thibault Pastoriza Collier]
1		on two counts, we're not impressed by that term
2		at all.
3	Q	Fine. And what kind of monitor process do you
4		believe would satisfy the Town of Easton, if
5		this Project were permitted?
6	А	(Thibault) Well, it's a little hard to say.
7		Obviously, we would expect impartial monitors
8		watching over the work sites very, very
9		carefully, very often. Not once a day or once
10		every other day. Who pays them would be a big
11		concern. Obviously, if the Project pays them,
12		you have to wonder about their impartiality.
13		And, then, if the Project doesn't pay, then who
14		will?
15		So, yes. We still have concerns about the
16		monitoring.
17	Q	Uh-huh. Fine.
18	А	(Thibault) Also, I might add, if it's a State
19		agency, you know, say, DES, for instance, it is
20		our feeling, based on our experience, our
21		limited experience in town with DES, that they
22		are stretched very, very thin. And it's not
23		that we don't trust DES, it's just we don't
24		believe they have the manpower to monitor it
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		correctly.
2	Q	All right. Thank you. Ms. Pastoriza, do you
3		have anything anyone have anything to add to
4		that?
5	A	(Pastoriza) In regards to the best management
6		practices, I would note that a lot of DES
7		regulations require that you not contribute to
8		a degradation of ground water standards. So,
9		they require monitoring to be happening all the
10		time. And then, once the monitoring shows that
11		there's damage, the damage has already been
12		done. So, that seems to me ineffective.
13		I would compare it to lead paint. If you
14		had a standard where you allowed lead paint, as
15		long as it didn't contribute to a lead level
16		certain lead levels in children, some children
17		wouldn't be tested, some children would be
18		tested, they would have damage already. What
19		makes sense is to ban whatever is a danger in
20		the first place.
21		So, the fact that some of the DES
22		standards have to do with not impairing
23		something, I think it's ineffective, and places
24		a burden on monitoring that simply can't be
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1	rr	net.
2	Q M	Ir. Collier, would you like to add anything
3	a	about monitoring?
4	A ((Collier) Well, I feel that, as Ms. Pastoriza
5	f	eels, that monitoring only tells you that
6	S	somebody made a mistake, and now you have to
7	1	ive with it or try to mitigate it. One of the
8	t	chings that I think is very important is the
9	f	act that the people that speak with us, the
10	P	lanning Board, do not want this Project in
11	t	cown, because they don't trust that it can be
12	d	lone without adverse effects on their lives.
13		MS. DRAPER: Thank you very much. I
14	h	nave no more questions.
15		CHAIRMAN HONIGBERG: All right. Did
16	I	miss any of the intervenor groups?
17		[No indication given.]
18		CHAIRMAN HONIGBERG: I didn't think
19	S	so. Mr. Needleman.
20		MR. NEEDLEMAN: Good morning,
21	е	everybody. My name is Barry Needleman. I
22	r	represent the Applicant in this case.
23	BY MR.	NEEDLEMAN:
24	Q I	Let me start off with you, Mr. Thibault, if I
	{SEC 2	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

[WITNESSES: Thibault Pastoriza Collier]	[WITNESSES:	Thibault	Pastoriza	[Collier]
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	1	[WIINESSES: Inidault Pastoriza Collier]
1		could. On the screen in front of you is a
2		summary that the Applicants put together of the
3		outreach efforts that have occurred in Easton.
4		And if you look at the first page, toward the
5		bottom, the last entry, it says that, on March
6		14th of 2017, the Applicants sent to the Town
7		of Easton a letter asking if the Town was
8		interested in discussing a construction MOU.
9		Are you familiar with that.
10	A	(Thibault) No, I'm not.
11	Q	Well, let me see if I can
12	A	(Thibault) Let me just add, I wasn't on the
13		Board of Selectmen at that time.
14	Q	Do you, in your capacity adopting the testimony
15		here today of I think it was Mr. Cutler and, in
16		turn, Mr. Stever [Ms. Stever?], did you learn
17		anything about this MOU process?
18	A	(Thibault) Yes.
19	Q	Okay. I think maybe I can refresh your
20		recollection with the next exhibit.
21		MR. NEEDLEMAN: So, if we could go to
22		Applicant 149 please.
23	BY MI	R. NEEDLEMAN:
24	Q	So, these are Select Board Special Meeting
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		106 [WITNESSES: Thibault Pastoriza Collier]
1		minutes from March 15, 2017. And at the top it
2		indicates that you were present at this
3		meeting. Is that right?
4	A	(Thibault) That's right. That was my first
5		Select Board meeting of my new term.
6	Q	Okay. And this meeting was called, it appears
7		in part, perhaps in whole, to discuss this
8		issue of the proposed construction MOU that the
9		Project sent to the Town. Is that right?
10	A	(Thibault) Yes.
11	Q	And in the first paragraph, underneath the
12		"Subject", it says that "Attorney Fillmore
13		assured Selectman Cutler that stipulations the
14		Town might offer would be presented to the SEC
15		and would not, in any way, be used against
16		Easton." Do you see that?
17	A	(Thibault) Yes.
18	Q	And my understanding also is that the Planning
19		Board and the Conservation Commission were
20		invited to this meeting, is that right?
21	A	(Thibault) That's right.
22	Q	And further down in that paragraph it said that
23		"if Northern Pass comes down Route 16 (112?)
24		this offer might provide an opportunity for the
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		Town to mitigate against potential issues." Is
2		that right?
3	A	(Thibault) Yes.
4	Q	And then, in the third paragraph, it talks
5		about how the Town chose to deal with this
6		proposal. It said that "The majority opinion,
7		led by Ms. Pastoriza, was that Easton should
8		present no stipulations andmaintain its
9		"significant voice" in opposition", and you can
10		see the rest. Do you see that?
11	A	(Thibault) Yes.
12	Q	Now, it says the "majority opinion". Were
13		there members there who favored having these
14		discussions with Northern Pass?
15	А	(Thibault) Well, we thought long and hard about
16		this proposal. And these minutes, you can
17		actual read these minutes in two minutes. The
18		meeting went on for an hour, and we had a lot
19		of discussion. We discussed what if a lot
20		of "what ifs". What if we said this? What if
21		we said that? What if we said "yes, put it
22		down the entire" "the entirety of it, put it
23		down under the pavement", like people
24		understand it was going to be initially. And
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

	[WITNESSES: Thibault Pastoriza Collier]
1	we talked about those, and we realized "no,
2	that won't happen." DOT will not let it happen
3	with the UAM. So, we knew we couldn't
4	stipulate that. It would be worthless.
5	We would talk about "how about asking them
6	to go down 93?" We already had a meeting with
7	Northern Pass at our Select Board meeting at
8	which there were 40 some odd town residents,
9	and we were told "we will not discuss going
10	down 93." So, that was a nonstarter. We even
11	talked about "well, what if we say to the
12	Northern Pass "will you compensate abutting
13	property owners?"" And people felt, no, that's
14	not good. You're going to pit one-third of the
15	town against two-thirds of the town. So, there
16	was a lot of discussion there.
17	And then it finally came down to, well, we
18	can't there are no stipulations we felt that

18 can't -- there are no stipulations we felt that 19 we could put out that would have any weight or 20 any legal weight or any authority that would 21 help us. So, that's why we came to the 22 conclusion we did, and we all stand firm the 23 way we have been.

24 Q It says in this paragraph also that "Easton is {SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		viewed in a leadership position". What was
2		meant by that?
3	A	(Thibault) Well, that's what we're being told
4		by other towns that we're a leadership position
5		in opposition.
6	Q	So, part of your reason for not wanting to have
7		a discussion about stipulations was because of
8		your perceived leadership position with other
9		towns on this?
10	A	(Thibault) No, I wouldn't say that. It was
11		basically that there were no stipulations we
12		could come up with that we thought would be
13		doable.
14	Q	And then, on the next page, it talks about an
15		organized effort to encourage other towns not
16		to enter into stipulations. Do you see that?
17		Middle of that second paragraph?
18	A	(Thibault) Yeah.
19	Q	So, did Easton do that? Did it communicate
20		with other towns and encourage them not to have
21		MOU discussions with the Project?
22	A	(Thibault) No, we didn't encourage them. We
23		contacted other towns and told them what our
24		stand was going to be. That we had no way to
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		offer any stipulations that were worthwhile.
2		And we wanted to inform other towns of that.
3	Q	Mr. Pappas, when he was questioning you, asked
4		you about the testimony that you put in
5		regarding your view of property value impacts
6		in Easton, and, in particular, your view that,
7		if the Project were built, people along the
8		road would seek abatements. Do you recall
9		that?
10	A	(Thibault) Yes.
11	Q	Did you do any analysis to support that
12		testimony?
13	A	(Thibault) We've only only in that I've
14		heard people say that at meetings that they
15		will do that.
16	Q	Did you do any research to see if something
17		like that happened in any other states where a
18		transmission line was built in a state road?
19	A	(Thibault) No. And I have no knowledge of it,
20		you know, there are other towns like that.
21	Q	Do you have any examples that you could point
22		to anyplace where towns actually granted
23		abatements to adjacent property owners when a
24		transmission line was built in a road?

[WITNESSES: Thibault|Pastoriza|Collier] 1 А (Thibault) No. Only on the aboveground 2 rights-of-way, the properties are valued a 3 little bit less, with the assumption that the 4 right-of-way holder will pay and make up the 5 difference. 6 A few minutes ago Ms. Schibanoff put some Q 7 testimony in front you that Mr. Chalmers 8 provided, and the summary of his testimony is that he didn't believe there would be any 9 10 property value impacts where the line was 11 buried. Is it fair to say, based on the 12 discussion we just had, that you don't actually 13 have any specific evidence to refute that 14 conclusion? 15 А (Thibault) No. As I said, it's just a 16 commonsense thing, I think, that people are 17 going to say "hey, do I buy this house or that 18 house?" 19 Okay. In your prefiled testimony, Joint Muni Q 20 102, on Page 1, Line 9, you said that one of 21 the purposes is to "express our concerns 22 regarding the adverse effects the Northern Pass 23 Project would have on the local and regional 24 economy, real estate values and property

		[WITNESSES: Thibault Pastoriza Collier]
1		taxes". I wanted to ask you about property
2		taxes for a moment. And I'm going to put a
3		section of a report up for one of the Project's
4		witnesses, Dr. Shapiro, who talks about
5		property taxes. Is this a report that you've
6		had any opportunity to look at?
7	A	(Thibault) I don't think I've seen that
8		particular page, but I know the number.
9	Q	According to Dr. Shapiro, in Easton, if the
10		Project were constructed as proposed, the
11		assessed value there would be a little over
12		\$87 million. Do you see that?
13	A	(Thibault) Yes. I'm familiar with that.
14	Q	And then I want to take you to Figure 6 on Page
15		12 of her report, if we could, Dawn. This is
16		APP23705.
17		And according to Dr. Shapiro, in that
18		first column, the percentage increase in the
19		local property tax base, in the first year,
20		after the Project is constructed, would be over
21		127 percent in Easton. Is that right?
22	A	(Thibault) Yes.
23	Q	And if you go all the way over to the far
24		column, in turn, that would increase that
	(SEC	2015-061 [Day 65/Morning Session ONLY] {12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		NPT share of the total property tax base in
2		Easton would be 56 percent, is that right?
3	A	(Thibault) Yes.
4		MR. NEEDLEMAN: And, in fact, Dawn,
5		if you zoom back out for a minute.
6	BY MI	R. NEEDLEMAN:
7	Q	I believe if you look at that whole right-hand
8		column, at 56 percent, that would make Easton
9		the top recipient of all of the towns with
10		respect to that particular figure. Do you see
11		that?
12	A	(Thibault) Yes.
13	Q	Earlier there were some discussion about
14		impacts to the Tamarack Tennis Camp. Do you
15		recall that discussion?
16	A	(Thibault) Yes.
17	Q	And it was somebody, it may have been
18		Mr. Pappas, who asked you whether, based on
19		your knowledge, Tamarack had heard anything
20		about from the Project regarding discussions
21		to reduce impacts. Do you recall that?
22	A	(Thibault) Yup.
23	Q	Have you are you familiar with Applicants
24		Exhibit 215, which is the March 22nd, 2017
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		letter that the Project sent to Tamarack Tennis
2		Camp?
3	А	(Thibault) No, I'm not.
4	Q	Are you aware of the fact that that letter
5		invited Tamarack to engage in discussions with
6		the Project, and Tamarack never responded to
7		the letter?
8	А	(Thibault) No, I'm not. But, when I spoke to
9		Tamarack, and when I speak to other people,
10		when they see a letter come from with the
11		Northern Pass logo on it, they consider it junk
12		mail and they throw it away. So, if it was a
13		form letter like that, I'm sure it was never
14		opened.
15	Q	So, I assume then that Tamarack would have
16		considered the follow-up October 2nd, 2017
17		letter as junk mail, and they wouldn't have
18		responded to that either?
19	А	(Thibault) Probably, if it was not certified or
20		registered or followed up with a phone call,
21		yes.
22	Q	And you're aware of the fact that there are
23		other businesses along the route who actually
24		have responded to those letters and engaged
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

[WITNESSES: Thibault Pastoriza Collier]
with Northern Pass?
(Thibault) Yes. I'm aware of one.
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?

(Thibault) That's right. 9 А

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Q

10 And, so, do you think it's fair to say that, if Q 11 the Project agreed to avoid any sort of 12 construction activity in the area of the tennis 13 camp while it was in session, that would 14 address the concerns of the tennis camp? 15 А (Thibault) Probably, yes. 16 Q And has any -- well, let me ask it this way.

17 If the Committee were to make that a condition 18 of a certificate, if it chose to issue a 19 certificate, would that address your concerns 20 raised in your testimony about Tamarack?

21 (Thibault) I didn't understand. Say that again А 22 please.

23 Sure. You've expressed concerns about the Q 24 Project's impact on the Tamarack Tennis Camp.

[WITNESSES: Thibault | Pastoriza | Collier] 1 If the Committee made it a condition of a 2 certificate, if it issued a certificate, that 3 the Project would avoid construction activities 4 around the tennis camp while it was in session, 5 would that address concerns that you've 6 expressed regarding the Project's impact on 7 Tamarack Tennis Camp? (Thibault) It may, if there were absolutely no 8 А 9 construction activities going on, nothing dug 10 up, maybe. 11 Now, on Page 3, Line 7, of your testimony, you Q 12 refer to "Warrant Article 13", which you also 13 attached to your testimony. Do you recall 14 that? 15 А (Thibault) I'd have to refresh. Which one was 16 it? 17 Well, it's Warrant Article 13, and we can --Q 18 MR. NEEDLEMAN: Dawn, why don't we 19 put it up on the screen, so that Mr. Thibault 20 can see that. 21 WITNESS THIBAULT: Okay. 22 BY MR. NEEDLEMAN: 23 So, it begins on the bottom of 13, do you see Q 24 that?

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) Yes.
2	Q	This is from your testimony. Do you recognize
3		this?
4	A	(Thibault) Yes.
5	Q	Okay. And this is a March my understanding
6		is, this is a March 8th, 2011 warrant article,
7		is that right?
8	A	(Thibault) Yes.
9	Q	And, so, at the time that the Town discussed
10		and adopted this warrant article, the Project
11		was proposed to be overhead in Easton through
12		the White Mountain National Forest. Is that
13		right?
14	A	(Thibault) That's right.
15		MR. NEEDLEMAN: And, Dawn, if we can
16		go down a little bit in this warrant article.
17	BY M	R. NEEDLEMAN:
18	Q	These are the "whereas" clauses from this
19		particular warrant article, which we've blown
20		up there. And all of these whereas clauses
21		pertain to the overhead corridors corridor
22		and issues with the line being overhead in
23		Easton.
24	A	(Thibault) That's right.

I		[WITNESSES: Thibault Pastoriza Collier]
1	Q	Is that right?
2	А	(Thibault) Yes.
3	Q	And line is now fully buried in Easton?
4	А	(Thibault) Yes.
5	Q	Earlier Ms. Fillmore asked you about local
6		roads and the issue of delegation of authority
7		for local roads. Are you is it your
8		understanding that the entire project in Easton
9		is proposed to be buried in state roads?
10	A	(Thibault) Yes.
11	Q	And so, do you have a particular well,
12		strike that. Let me move onto the next
13		question.
14		Mr. Pappas also asked you questions about
15		the effects of hypothetical road closures in
16		Easton. Do you recall that?
17	А	(Thibault) Yes.
18	Q	Are you aware of the fact that the Project is
19		not proposing any road closures in Easton?
20	А	(Thibault) I've heard Ms. Farrell's
21		[Farrington's?] testimony on that, and there
22		are none planned. However, any project, any
23		large project, there are unforeseen things that
24		come up. And I think even she said she can't
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		[WITNESSES: Thibault Pastoriza Collier]
1		say there will never be any road closures.
2		So, yes, there may be none planned. But
3		that doesn't mean there will be none that
4		happen.
5	Q	Ms. Pastoriza, let me turn to you, if I could.
6		MR. NEEDLEMAN: And, Dawn, I'd ask
7		you to put up Applicants Exhibit 447.
8	BY M	R. NEEDLEMAN:
9	Q	This is a February 7th, 2011 article by the
10		Associated Press in which you're quoted further
11		down. Your name's right in the beginning. Do
12		you recall seeing this article?
13	A	(Pastoriza) I don't recall seeing it in that
14		context, no.
15	Q	And in February of 2011, as we just heard, the
16		lines were proposed to be overhead in Easton,
17		right?
18	A	(Pastoriza) Yes.
19		MR. NEEDLEMAN: And, Dawn, if we
20		could go to the next page. And in the middle
21		of the page, highlight those second the
22		third and fourth paragraphs.
23	BY M	R. NEEDLEMAN:
24	Q	The article is reporting, I guess, on a
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		[WITNESSES: Thibault Pastoriza Collier]
1		conversation with you. Do you recall this?
2	А	(Pastoriza) I don't recall it, but I fully
3		believe that it took place.
4	Q	Okay. And at the bottom, at the time this was
5		proposed to be overhead in Easton, you were
6		saying that the Project should be buried,
7		because that would, in your words, "eliminate
8		the problem of the horrible ugliness of those
9		massive towers", is that right?
10	A	(Pastoriza) Yes.
11		MR. NEEDLEMAN: And, Dawn, if we
12		could go to Applicants Exhibit 448.
13	BY M	R. NEEDLEMAN:
14	Q	So, this is a July 2nd, 2013 letter from the
15		Easton Conservation Commission to then PSNH
16		President Gary Long. So, this is a couple of
17		years after that article. And you were Vice
18		Chair of the Easton Conservation Commission at
19		this time, is that right?
20	A	(Pastoriza) Yes.
21	Q	And this letter followed the Project's
22		announcement that it was going to bury
23		approximately 8 miles of the line up in the
24		North Country, in Stewartstown and Clarksville,
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

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		[WITNESSES: Thibault Pastoriza Collier]
1		that we've heard so much about.
2		And in the first paragraph of that letter,
3		the second sentence, it says "We believe that
4		burial in softened transportation corridors is
5		a far better solution for the entire line, for
6		all the reasons that you expressed in your
7		press release", referring to "June 27, 2013".
8		Is that right?
9	A	(Pastoriza) I would point out that "softened
10		transportation corridor" does not apply to 116.
11		It applies to 93.
12	Q	Well, I guess the Committee can draw
13		conclusions about what was meant by that. But
14		this is certainly what the letter says, is that
15		fair to say?
16	A	(Pastoriza) I think the Committee can see what
17		the letter says.
18	Q	And there is, in fact, no place in this letter
19		or in the prior article where you talked about
20		"I-93", is that right?
21	A	(Pastoriza) I believe there was a presentation
22		to White Mountain National Forest showing the
23		superiority of 93 as a burial route, compared
24		to the overland route, specifically aesthetics
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1		[WITNESSES: Thibault Pastoriza Collier]
1	ć	and the lack of need for altitude gain.
2	Q 1	Let me come back to my question, though. In
3	t	the two exhibits we just looked at, there was
4	1	no reference to "I-93", is that correct?
5	А	(Pastoriza) I believe "softened transportation
6	(corridor" was a reference to 93.
7		MR. NEEDLEMAN: And let's look at the
8	1	next exhibit please.
9	BY MR	. NEEDLEMAN:
10	Q S	So, this is Applicants Exhibit 449. And this
11	:	is a December 14th, 2010 Request for
12	:	Intervention by you in the Presidential Permit
13	I	process. Do you recall filing this?
14	A	(Pastoriza) Yes.
15		MR. NEEDLEMAN: And, Denise I'm
16		sorry, Dawn, could we just go down to Page 4.
17	BY MR	. NEEDLEMAN:
18	Q A	And part of your description here, and
19	e	expressing your desires, was you wanted the
20	I	Project buried, but, as an alternative, you say
21		"partial underground lines in the areas where
22	ć	adverse impacts of above-ground lines would be
23	r	most substantial" is also something you asked
24		for, is that right?

1		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Pastoriza) I would put two caveats. One is
2		that this was before I fully understood where
3		the power was coming from. Number two, our
4		understanding of underground lines at this
5		point was a 4-inch conduit buried in the
6		ground. So, this was before we understood the
7		thermal resistivity problems that the Applicant
8		has with the soils in our area that necessitate
9		the duct bank.
10	Q	So, is it fair to say that during this period
11		of time when the line was overhead in Easton,
12		you wanted it to be underground, and then
13		subsequently the line was offered as fully
14		underground in Easton?
15	А	(Pastoriza) Inasmuch as I understood what
16		underground might be, which was an incomplete
17		understanding.
18	Q	Let me switch topics now.
19		MR. NEEDLEMAN: Dawn, if we could
20		pull up the Day 12 Morning Session transcript.
21		So, Page 12 112, Lines 18 to 24.
22	BY M	R. NEEDLEMAN:
23	Q	This is the portion of the Construction panel
24		testimony where the Committee was now asking
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Thibault | Pastoriza | Collier] [WITNESSES: 1 questions of the panel, in particular, Mr. Johnson. And Mr. Way asked how the Project 2 3 was going to work with businesses along the 4 route to promote them. Were you present for 5 this testimony? 6 (Pastoriza) I don't think so. А 7 But you've certainly looked at it since then, Q 8 is that right? (Pastoriza) I looked at portions of the 9 А 10 testimony in which there was discussions about 11 business directory, and the construction 12 witnesses were stating what they understood the 13 conditions for being on that directory to be. 14 And if we can go to Page 114, Line 20, Q 15 Mr. Johnson here was explaining, he had already 16 explained how the directory was going to work, 17 and he added in here that one measure the 18 Project had developed was this directory, which 19 included, as he said below, businesses 20 registering with the Project through the jobs fair. Do you see that? 21 22 (Pastoriza) Yes. А 23 And then Mr. Johnson went on to explain that Q 24 this was the Project's approach to try to

		[WITNESSES: Thibault Pastoriza Collier]
1		direct business to businesses along the line,
2		is that correct?
3	A	(Pastoriza) Yes.
4		MR. NEEDLEMAN: Now, if I could pull
5		up Applicants Exhibit 450 please. And if we
6		could jump down to the second or third page,
7		Dawn. And jump down a couple of pages. So,
8		right there.
9	BY MI	R. NEEDLEMAN:
10	Q	So, in the middle of the page, this is a
11		November 29th, 2017 email that you sent to
12		someone named Roderick de Greef, who operates a
13		business called "Cabins at Lopstick". Does
14		that sound familiar?
15	A	(Pastoriza) Yes.
16	Q	And in this email, you said that to Mr. de
17		Greef "Are you aware that you are listed in the
18		Northern Pass Directory as a supporter of
19		Northern Pass?" Do you see that?
20	A	(Pastoriza) Yes.
21	Q	And then you encouraged him to contact the
22		Committee if he wasn't aware of that, is that
23		correct?
24	А	(Pastoriza) Yes.
	(~ - ~	

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		[WITNESSES: Thibault Pastoriza Collier]
1	Q	And if we go down a little bit, Dawn, lower on
2		the page, you actually attached the portions of
3		the transcript over to the next page that we
4		just looked at a moment ago, is that right?
5	A	(Pastoriza) Yes. I wanted him to understand
6		the context in which it was described how one
7		got onto the business directory.
8		MR. NEEDLEMAN: And then, if we can
9		go back to Page 2, and then up a little bit,
10		Dawn.
11	BY M	R. NEEDLEMAN:
12	Q	And, so, we see Mr. de Greef's response here,
13		part of it, and we'll go to the first page in a
14		minute. But suffice it to say he's surprised
15		and disappointed to learn this news that you
16		provided to him, is that right?
17	A	(Pastoriza) He was surprised to learn that he
18		was in this business directory, yes.
19	Q	And it's true that there's actually no place
20		anywhere in this transcript that we just looked
21		at or that you provided to Mr. de Greef where
22		it says that "being on the business list means
23		you're a supporter of the Project", isn't that
24		right?

[WITNESSES: Thibault|Pastoriza|Collier] 1 А (Pastoriza) If you bring up that transcript 2 again? 3 MR. NEEDLEMAN: Sure. Why don't we 4 bring it up. BY MR. NEEDLEMAN: 5 You mean the transcript you cited --6 Q 7 (Pastoriza) Yes. Α -- in your email? 8 Q 9 А (Pastoriza) Yes. 10 MR. NEEDLEMAN: Dawn, could we go to 11 that please. No, the email. 12 MS. GAGNON: Oh. I'm sorry. 13 MR. NEEDLEMAN: Ms. Pastoriza's 14 email. 15 BY MR. NEEDLEMAN: 16 Q So, that's the portion that you sent to Mr. de 17 Greef, right? (Pastoriza) So, it says "a list of interested 18 А 19 businesses that want to work with us", and see 20 that as an implication that they are "working 21 with you", and therefore supporting you. 22 I would also point out that people were 23 put on this registry simply because they 24 received a letter, whether they responded to

		[WITNESSES: Thibault Pastoriza Collier]
1		that letter or not. And I believe that on your
2		website people need to go there and register to
3		be on the directory. That's another way of
4		getting on a directory. And there's a little
5		box there that says "check if you're a
6		supporter". And I believe one must uncheck
7		that box.
8		So, there are people on this list that did
9		not reach out to you as supporters.
10	Q	Well, that's a separate issue, but let's go
11		back to this. It's clear
12	А	(Pastoriza) I don't believe that's
13	Q	Well, it's clear that there's no place here
14		where Northern Pass ever says that "to get on
15		the directory, you must be a supporter". The
16		transcript doesn't say that, does it?
17	A	(Pastoriza) I believe
18	Q	Mr. Johnson didn't say that, did he?
19	А	(Pastoriza) I believe there's a clear
20		implication that it was people who supported
21		you and wanted to work with you.
22	Q	So, that's your interpretation, which you then
23		offered to Mr. de Greef, correct? And Mr. de
24		Greef then said he was unhappy with that and

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		[WITNESSES: Thibault Pastoriza Collier]
1		wanted to be off the list, right?
2	A	(Pastoriza) Yes.
3		MR. NEEDLEMAN: Okay. Dawn, can we
4		now go to the next exhibit, I think it's
5		Applicants 450 451. 461?
6		MS. GAGNON: Yes.
7	BY MI	R. NEEDLEMAN:
8	Q	So, the Project contacted Mr. de Greef, and
9		made it clear to him that being on the list
10		does not mean that you are a supporter of the
11		Project.
12	A	(Pastoriza) That's your interpretation.
13	Q	And Mr. de Greef responded, as we can see here,
14		and given that representation from the Project
15		was then happy to be placed back on the
16		business list. Do you see that?
17	А	(Pastoriza) There is the representation by the
18		Project. There is my interpretation, which
19		could be the interpretation of many other
20		people. So, I don't see that one has any more
21		weight than the other. And I think that
22		Roderick could have been more cautious in his
23		approach.
24	Q	So, is it fair so say that, if the Project had
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[WITNESSES: Thibault|Pastoriza|Collier] 1 not communicated with Mr. de Greef and 2 corrected this representation about support, he would have been taken off the list and would 3 have lost the opportunity to gain any economic 4 5 benefits from the Project, if the --MS. FILLMORE: Objection. 6 7 Speculative. Sorry about that. CHAIRMAN HONIGBERG: Mr. Needleman. 8 MR. NEEDLEMAN: I don't think there's 9 10 anything speculative about it. It's direct cause and effect here as a result of Ms. 11 12 Pastoriza's actions. 13 CHAIRMAN HONIGBERG: Overruled. You 14 can answer. 15 BY THE WITNESS: 16 А (Pastoriza) If you accept Mr. Getz's 17 interpretation that the directory is not an 18 indication of support, that leads to one 19 assessment. If you accept many other people's 20 assessment that the directory is support, then 21 he made a decision that he would preclude that 22 extra business that might come to, if the 23 Project is permitted, because he did not want 24 to be seen as a supporter.

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		[WITNESSES: Thibault Pastoriza Collier]
1	BY M	R. NEEDLEMAN:
2	Q	You sent a similar email to a business called
3		the "Cold Mountain Cafe", in Bethlehem, is that
4		right?
5	A	(Pastoriza) Yes.
6	Q	How many other emails like this have you sent?
7	A	(Pastoriza) I believe five.
8	Q	And have you been working with anybody else to
9		also send these kinds of emails?
10	A	(Pastoriza) People who know these businesses
11		have been asking how asking these people,
12		the businesses, if they know they're on the
13		directory, and, if so, how did they get on the
14		directory? Because many of these people don't
15		know they're in the directory. They don't know
16		how they got to be in the directory. And
17		they're not happy to be found in the directory.
18	Q	And are you undertaking this effort in your
19		individual capacity or in your capacity as a
20		member of the Easton Conservation Commission?

21 (Pastoriza) Individual. А

22 And, in light of everything that we've just Q seen now, do you have any plans to recontact 23 24 these businesses and explain to them the view

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		[WITNESSES: Thibault Pastoriza Collier]
1		of the Project, which is that being on this
2		list does not mean you're a supporter?
3	A	(Pastoriza) That's for the Project. If they
4		want to send their view of what the directory
5		means to someone in the directory, they're
6		welcome to do that.
7	Q	And if the Project couldn't figure out all the
8		people you sent emails to at this point, then
9		they would likely be removed from the directory
10		and lose the opportunity to get this business.
11		Is that fair to say?
12	A	(Pastoriza) I think, if the Project had made it
13		very clear when they submitted this directory
14		to the SEC exactly what chain of events led to
15		someone being listed in the directory, this
16		whole issue wouldn't be a problem. If you had
17		a chart that said "We sent them a letter. Here
18		is their letter responding saying "yes, we want
19		to be on the directory"." If you had tracking
20		on your website, here's the person checking the
21		box "we want to be on your directory", then you
22		would have been covered.
23		But given that however someone got on the
24		directory is opaque, I think there's a problem
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		[WITNESSES: Thibault Pastoriza Collier]
1		with the directory that needs to be resolved.
2		MR. NEEDLEMAN: Okay. Thank you,
3		Ms. Pastoriza. No further questions.
4		CHAIRMAN HONIGBERG: Let's go off the
5		record for a minute.
6		[Brief off-the-record discussion
7		ensued.]
8		CHAIRMAN HONIGBERG: Commissioner
9		Bailey.
10		CMSR. BAILEY: Good morning.
11	BY CI	MSR. BAILEY:
12	Q	Ms. Pastoriza, can you go to Page 9 of your
13		testimony please? You're original testimony.
14		Hash tag number 10.
15	A	(Pastoriza) Yes.
16	Q	Your testimony says "I have been told the SEC
17		does not read pre-filed testimony. Any members
18		that do read this, let me know by email or I
19		will assume you did not."
20	А	(Pastoriza) Yes.
21	Q	You didn't get an email from me, correct?
22	A	(Pastoriza) I didn't, no.
23	Q	No.
24	A	(Pastoriza) I haven't received any emails.
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		[WITNESSES: Thibault Pastoriza Collier]
1	Q	Do you understand that it would be completely
2		inappropriate for me to have any conversation
3		with you that's not recorded by the
4		stenographer?
5	A	(Pastoriza) I guess I understood that later in
6		the process.
7	Q	Okay.
8	A	I wasn't thinking about it in terms of knowing
9		whether my testimony had been read. And I
10		think we all thought this would be read right
11		after we wrote it, which was a misunderstanding
12		of the process.
13	Q	Say that again?
14	А	(Pastoriza) I think we all thought our prefiled
15		would be read within weeks after we wrote it,
16		which was a misunderstanding of the process.
17	Q	Okay. So, do you believe that your prefiled
18		testimony has been read now?
19	А	(Pastoriza) Yes. I've seen, from the
20		Committee's answers, that they are reading
21		everybody's prefiled.
22	Q	Okay. So, why didn't you correct this
23		statement when you were asked if everything was
24		still true and accurate?

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		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Pastoriza) I just completely missed that. I
2		was focused on technical details, numbers. And
3		I missed that, and apologize.
4	Q	How do I know whether there are other facts in
5		your testimony that are different now than when
6		you wrote it?
7	A	(Pastoriza) If there are other issues related
8		to protocol, it may be that I missed them. If
9		there's other issues related to facts, I think
10		I've covered them all.
11	Q	Okay. Do you have a science degree?
12	A	(Pastoriza) I took science courses in college,
13		but that was not my degree.
14	Q	You have a degree in art?
15	A	(Pastoriza) Studio Art.
16	Q	Okay. Can you look at the article that you
17		attached as Appendix C in I think it's Joint
18		Muni Exhibit 113. Oh, sorry, Appendix D.
19	A	(Pastoriza) Is it an article on fly ash or is
20		it DOT and aquifers?
21	Q	The fly ash article.
22	A	I can turn to it.
23	Q	Okay. On my copy, in PDF, it says that the
24		article was viewed 15 times. Do you see that?
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1		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Pastoriza) I'll take your word for it.
2	Q	Okay. Was this article peer-reviewed?
3	A	(Pastoriza) I don't know.
4		CMSR. BAILEY: Okay. Thank you.
5		That's all I have.
6		CHAIRMAN HONIGBERG: Ms. Weathersby.
7		MS. WEATHERSBY: Just really quick,
8		about the slurry.
9	BY MS	S. WEATHERSBY:
10	Q	In your testimony, you indicated that a
11		5 percent slurry loss, and then you go on about
12		how many gallons, etcetera. I'm wondering
13		where and you said "the industry estimate is
14		3 to 9 percent". I'm wondering where you got
15		that number from, if you recall?
16	А	(Pastoriza) I could probably re-dig up the
17		website. It was a lot of finding to find an
18		industry cite that would list what their
19		expected slurry losses is. It goes in to
20		coating the bore hole, so that the fluid does
21		not go up the bore hole for the most part.
22	Q	But you don't know where that reference to the
23		industry estimate of the loss came from or
24	A	(Pastoriza) I can re-find it. I can re-find
	{ < F C	2015-06 [Day 65/Morning Session ONLY] {12-11-17}

[WITNESSES: Thibault | Pastoriza | Collier] 1 it, if you want me to send it to you. Actually, yes. That would be helpful. 2 Q CHAIRMAN HONIGBERG: Wait. Wait. 3 4 What you've got, please send to Ms. Monroe. 5 Ms. Fillmore, do you understand the 6 request? 7 MS. FILLMORE: I do not. Could you please repeat it. 8 MS. WEATHERSBY: I'm wondering where 9 10 she got the industry estimate of 3 to 9 percent 11 for slurry loss --12 MS. FILLMORE: We will find that. 13 MS. WEATHERSBY: -- during HDD 14 drilling. 15 BY MS. WEATHERSBY: 16 Q And then, concerning the slurry sample that you 17 showed us today, did you have that tested at 18 all? 19 (Pastoriza) I don't have the resources to test А 20 it. And I don't think the chemicals that might 21 be in it are something that DES regularly tests 22 for. It might be like PFOA, where it doesn't 23 show up in your regular water test. 24 MS. WEATHERSBY: Okay. Thank you. Ι

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		IS8 [WITNESSES: Thibault Pastoriza Collier]
1		have nothing further.
2		CHAIRMAN HONIGBERG: Mr. Way.
3		MR. WAY: Good morning.
4	BY MI	R. WAY:
5	Q	Mr. Collier, I think I heard you say that,
6		during the construction of the Project, that
7		might be a discouragement to project
8		construction projects along the route?
9	A	(Collier) I did.
10	Q	And, from your experience, Planning
11		Board/Zoning, do you have any projects in the
12		queue that have expressed this opinion?
13	A	(Collier) No. The opinion comes from my
14		position as a vacation rental manager, and
15		listening to my guests over an 18-year period,
16		I'm sensitive to what they were displeased
17		with. And their displeasure comes from
18		anything that is out-of-the-ordinary. Anything
19		that was not their expectation.
20		Successful vacations are ones that realize
21		their expectations. And my job was to make
22		them happy, because they were spending money
23		and paying rooms and meals tax.
24	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

7 look at some of the minutes. Do you have 8 anything in the queue that has expressed that? (Collier) No, sir. And if there is anything 9 А 10 that is currently planned for development in town is being planned off of the Route 116 11 12 highway. So, it would have very minimal effect. In other words, development occurs on 13 14 private property, which is already there, and 15 is not being dug up right along Route --16 usually, they don't usually run 116 as 17 frontage, let's put it that way.

18 MR. WAY: Thank you, sir.
19 CHAIRMAN HONIGBERG: Ms. Dandeneau.
20 Know.
21 MS. DANDENEAU: Hi there. My

22 question is for you, Ms. Pastoriza.

23 BY MS. DANDENEAU:

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24 Q In your prefiled testimony, on Page 4 of 20,

[WITNESSES:	Thibault	Pastoriza	[Collier]
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		[WITNESSES: Thibault Pastoriza Collier]
1		you comment that you were you were
2		discussing the mud and drilling fluid used
3		during horizontal directional drilling, and you
4		commented that the additives in that fluid are
5		"toxic to fish and aquatic wildlife". And I
6		was just curious where you found that
7		information?
8	A	(Pastoriza) I found it several places on the
9		internet, which I did not list in testimony.
10		My understanding is that it suffocates them
11		through their gills.
12	Q	Okay. Do you recall if any of those sources
13		where you found that information were
14		peer-reviewed? Scientific journal articles or
15		.gov websites or
16	A	(Pastoriza) I have looked at so many articles,
17		I could honestly not tell you which are
18		peer-reviewed and which are not.
19		MS. DANDENEAU: All right. Thank
20		you.
21		CHAIRMAN HONIGBERG: Mr. Wright.
22		DIR. WRIGHT: Good morning.
23	BY D	IR. WRIGHT:
24	Q	I think, Mr. Collier, it was you who mentioned
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		the Town has an Aquifer Protection District, is
2		that right?
3	A	(Collier) An Aquifer Protection District, that
4		is correct. It's an overlay district on our
5		regular zoning.
6	Q	Okay. So, it's part of your zoning
7		requirements?
8	A	(Collier) Yes, it is.
9	Q	Are there specific parts of that that you feel
10		the Project would not specifically comply with
11		if it went through a local review?
12	А	(Collier) Anything over it.
13	Q	Anything over it. So,
14	А	(Collier) Water goes down, and if it ends up in
15		the aquifer, that's bad, if it's bad water.
16	Q	So, Route 116 runs through the Aquifer
17		Protection District?
18	А	(Collier) Unfortunately, it does.
19	Q	Okay. Mr. Thibault, did you want to add
20		something? You looked like you wanted to add
21		something.
22	A	(Thibault) No. I was nodding in agreement.
23	Q	Okay. Anything, Ms. Pastoriza, you would like
24		to add to that?

[WITNESSES: Thibault | Pastoriza | Collier] 1 А (Pastoriza) There was a map that was used as an exhibit that shows that. So that would be in 2 the exhibits. I think Ms. Fillmore used that. 3 4 Was that the map we saw this morning, I think? Q 5 А (Pastoriza) Yes. 6 (Thibault) Yes. А 7 I think it's in your testimony. Is that part Q of your map in your testimony as well? 8 9 (Pastoriza) New Hampshire Granite site, yes. А 10 DIR. WRIGHT: Okay. Thank you. 11 CHAIRMAN HONIGBERG: Anything else 12 from the Subcommittee? [No indication given.] 13 14 CHAIRMAN HONIGBERG: Ms. Fillmore, do you have any redirect? 15 16 MS. FILLMORE: Yes, I do. Just one 17 moment, I'm coming up to the front. Dawn, 18 could I have Apple TV please. 19 REDIRECT EXAMINATION 20 BY MS. FILLMORE: 21 What's on the screen now is Joint Muni 322, 0 22 which is a continuation of a document we looked 23 at this morning. This is the last three pages 24 of that exhibit. And this question is for

		[WITNESSES: Thibault Pastoriza Collier]
1		anyone on the panel.
2		Ms. Saffo asked earlier about the Town's
3		efforts to learn about the Project. Can you
4		describe briefly what this document is and who
5		put it together?
6	A	(Pastoriza) I compiled this document in
7		response to what we've seen for Northern Pass
8		outreach. It covers Easton outreach to the
9		Applicant and various agencies during the past
10		seven years. I would point out that the Select
11		Board public meeting and the Conservation
12		Commission public meeting were both initiated
13		by the Town. Conservation Commission meeting
14		was the one with the one and a half year lag
15		time. Between our expressing interest in
16		discussing things with the Applicant, and then
17		actually meeting with us, 23 petitions to
18		intervene. The comment letters are simply
19		people whose names I recognize. So, there
20		could be other ones that I missed. Trust fund,
21		\$50,000. Eighteen (18) municipal letters to
22		agencies. This does not include public
23		comments at any of the DOE meetings or any of
24		the Northern Pass SEC meetings.

		[WITNESSES: Thibault Pastoriza Collier]
1	Q	Thank you. And this document goes on for three
2		pages, and I'm not going to have you read the
3		entire thing, because the Committee can read it
4		themselves.
5		But would it be fair to summarize that
6		this reflects the Town's efforts between 2010
7		and today to learn about the Project, and as
8		well as input from the Town and its citizens to
9		the SEC and the various state agencies that are
10		involved, and communications with the
11		Applicant. Is that a fair summary?
12	A	(Thibault) Yes.
13	A	(Pastoriza) Yes.
14	Q	And I'd just like to clarify the timeline of
15		the meetings that you discussed with Ms. Saffo.
16		There were three that were mentioned. One was
17		the public information meeting in September,
18		September 8th, 2015, in Lincoln. And then is
19		that do you recall that meeting or that it
20		occurred?
21	A	(Pastoriza) I was there. But that was a public
22		information, I'm not listing that in this
23		table.
24	Q	Thank you. And then the Applicant met with the
	{SEC	2015-06}[Dav 65/Morning Session ONLY]{12-11-17}

		[WITNESSES: Thibault Pastoriza Collier]
1		Board of Selectmen, and that meeting was on
2		November 9th, 2015, correct?
3	A	(Thibault) Correct.
4	Q	And that was a meeting you had asked for since
5		2013, you had been asking for that meeting?
6	A	(Pastoriza) That was a Conservation Commission
7		meeting that had that delay.
8	Q	Oh. All right. And then, subsequent to that,
9		there was a meeting between the Applicant and
10		the Conservation Commission, and that was
11		February 2nd of 2016?
12	A	(Pastoriza) Yes.
13	Q	Okay. And were all of you at some or all of
14		those meetings?
15	A	(Thibault) Yes.
16	A	(Pastoriza) Yes.
17	A	(Collier) Yes.
18	Q	Mr. Collier, could you speak up.
19	A	(Collier) Yes.
20	Q	Were you left with the impression, after those
21		meetings, that the Project would be located
22		under the pavement, at that the conduit would
23		be under the pavement, and that perhaps the
24		splice vaults would extend into the shoulder?
	(~ - ~	

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) Yes.
2	Q	To your knowledge, did anyone from Northern
3		Pass or Eversource attempt to contact the Town
4		to inform the Board of Selectmen or the
5		Conservation Commission that the plans had
6		changed so that it would not be under the
7		pavement?
8	A	(Thibault) No.
9	A	(Pastoriza) No.
10	Q	Mr. Thibault, I believe, you were asked about
11		the warrant article that the Town Meeting voted
12		on regarding the Project?
13	A	(Thibault) Yes, 2011, and every year since
14		then.
15	Q	You anticipated my question. So, would it be
16		fair to say that the Town's opinion of the
17		Project has not changed, despite the fact that
18		it is now proposed to be buried through Easton?
19	A	(Thibault) Yes. And even knowing about the
20		increased tax revenue, the Town has still voted
21		to oppose it.
22	Q	So, regarding town roads, is it your
23		understanding that the route as it's proposed
24		will cross town roads, that there will be

		[WITNESSES: Thibault Pastoriza Collier]	
1		intersections with town roads?	
2	A	(Thibault) It won't cross town roads, no.	
3	Q	Not over them, but	
4	A	(Thibault) No. Town roads, of course,	
5		intersect into 116.	
6	Q	Thank you. So, there may be some impacts to	
7		town roads at those intersections as the	
8		Project moves through?	
9	A	(Thibault) I suppose so, yes.	
10	Q	And does the Town yet know where all of the	
11		staging and laydown areas in Easton will be	
12		located?	
13	A	(Thibault) We have no idea.	
14	Q	Is it possible have you heard that they will	
15		not be located on town roads?	
16	A	(Thibault) No.	
17	Q	Okay. Ms. Pastoriza, Mr. Needleman asked about	
18		your letters opposing the Project when the	
19		proposal was for it to run overhead. Can you	
20		explain why you and the Town are still opposed	
21		to the Project, even though it is now proposed	
22		to be buried through Easton?	
23	A	(Pastoriza) As I said, our understanding from	
24		the research we did of what was involved in	
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[WITNESSES:	Thibault	Pastoriza	Collier]
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1	burial was simply two 4-inch conduits laid in
2	the ground, similar, although much larger, to
3	existing infrastructure. I don't think we've
4	done a lot of research about HDD and frac-out,
5	and the thermal resistivity of the soil had not
6	been tested, so we didn't know that the duct
7	bank with the fluidized thermal backfill was
8	required. We didn't know it was a 3-foot by
9	3-foot duct bank that would have to be as deep
10	as it was.

11 And given that we didn't know the size, we 12 didn't know the interference that it would be causing, not only with existing utilities, but 13 14 potentially with water flow, and not knowing about the fluidized thermal backfill, we didn't 15 16 know about the potential of the duct bank to be 17 acting as a French drain going through a very 18 hilly area.

19 Q Regarding Commissioner Bailey's questions about 20 your background, how many years have you served 21 on the Conservation Commission?

22 A (Pastoriza) At least nine.

23	Q	And in tha	at capacit	cy, have	you	worked	with	DES
24		regarding	impacts,	environ	nenta	l impac	cts tl	nat

		[WITNESSES: Thibault Pastoriza Collier]
1		might occur from proposed developments or
2		impacts to natural resources?
3	A	(Pastoriza) Most of my communications with DES
4		have been regarding Northern Pass.
5	Q	Have you done reading over those nine years or
6		other ways to educate yourself about natural
7		resources and the environment?
8	A	I have spent hundreds of hours reading about
9		the Project.
10		MS. FILLMORE: Thank you. And, Dawn,
11		could I have the ELMO please?
12	BY M	S. FILLMORE:
13	Q	What's on the screen now will be marked as
14		"Joint Muni 332". And it is a letter from
15		ForwardNH to the Town of Easton Board of
16		Selectmen, dated February 24th, 2017.
17		Mr. Thibault, have you seen this letter before?
18	A	(Thibault) Yes, I have.
19	Q	And in the middle of the screen, it shows what
20		the proposed first year's tax payment would be,
21		correct?
22	A	(Thibault) Yes.
23	Q	Why would the Town not want a project that
24		would bring in money like that?

		[WITNESSES: Thibault Pastoriza Collier]
1	A	(Thibault) Actually, there are many reasons.
2		First of all, do you believe it? You know,
3		they say "87 million" now. They say
4		"\$501,000". At one point, they offered us to
5		sign a contract with them that they would not
6		go after an abatement later on, because we know
7		that Eversource is famous for going after tax
8		abatements in the state. So, they offered
9		that. We didn't feel like we could trust that
10		lawyers wouldn't come after-the-fact, and we
11		didn't want to get into a legal battle with
12		them.
13		Another reason is that is misleading.
14		It's the first year. If you read the papers,
15		it's an estimate, a projection. And it's on a
16		straight line 40-year depreciation. So, in
17		Year 41, that figure would be zero.
18		Thirdly, the Select Board wasn't
19		interested in putting in a temporary influx of
20		money into the Town, and winding up having that
21		being spent for years, and then all of a sudden
22		we don't have that money anymore. But we have
23		all the new schools and whatever we spent it
24		on. Or, that money would have to go into some
	{SEC	2015-06}[Day 65/Morning Session ONLY]{12-11-17}

	[WITNESSES: Thibault Pastoriza Collier]
1	kind of trust fund to alleviate damages done by
2	the Project, which we take considerably as a
3	real possibility with water flow and water
4	quality.
5	And one thing we haven't mentioned is that
6	there's water flow under the road in the
7	aquifer, and we'd be probably interrupting some
8	of those underground streams, especially with
9	the bentonite that's used, because the purpose
10	of bentonite is to block the water flow for the
11	drilling, for instance. So, there's real
12	possible damages that could be done that we'd
13	have to use that money for anyway.
14	Lastly, I would say that, even though this
15	has come up for 11 years, and even after it
16	wasn't overhead anymore, the Town has
17	repeatedly voted "Yes, let's put money in.
18	Let's pay lawyers to fight this." And for a
19	town of 250 feet people to put in \$50,000 says
20	something about the commitment of the
21	community, that they don't feel like their
22	miles of scenic road, the water quality, the
23	water availability, the amount of wells along
24	the road, the buildings so close to the road,

[WITNESSES: Thibault | Pastoriza | Collier] 1 they don't feel like those ought to be 2 sacrificed at any price, especially a temporary 3 price. And especially from a company who we know has a history of going back and doing 4 5 everything they can to reduce their tax payments. That's just a couple of reasons. 6 7 MS. FILLMORE: Thank you, Mr. Thibault. Mr. Chairman, I have no further 8 9 questions. 10 CHAIRMAN HONIGBERG: All right. 11 Thank you, folks, for your testimony. We're 12 going to take our lunch break. We'll return at 13 1:30. 14 (Lunch recess taken at 12:19 15 p.m. and concludes the Day 65 16 Morning Session. The hearing 17 continues under separate cover 18 in the transcript noted as 19 Day 65 Afternoon Session ONLY.) 20 21 22 23 24

1	
2	
3	CERTIFICATE
4	I, Steven. E. Patnaude, a Licensed Shorthand
5	Court Reporter, do hereby certify that the foregoing
6	is a true and accurate transcript of my stenographic
7	notes of these proceedings taken at the place and on
8	the date hereinbefore set forth, to the best of my
9	skill and ability under the conditions present at
10	the time.
11	I further certify that I am neither attorney or
12	counsel for, nor related to or employed by any of
13	the parties to the action; and further, that I am
14	not a relative or employee of any attorney or
15	counsel employed in this case, nor am I financially
16	interested in this action.
17	
18	Steven E. Patnaude, LCR
19	Licensed Court Reporter N.H. LCR No. 52
20	(RSA 310-A:173)
21	
22	
23	
24	
	{SEC 2015-06}[Day 65/Morning Session ONLY]{12-11-17}

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87720 88724 9075 BY MS.	66/21 67/1 68/13	72/14 74/21 76/18
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102 [3] 3/3 7/15	53/5 54/15 55/14	142 [1] 2/15
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11 [5] 1/3 3/12 4/12	118 [1] 37/23	15 feet [3] 17/16
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11-mile [1] 47/24	11th [3] 71/1 74/12	15-foot [1] 19/8
110 [2] 3/4 7/20	74/18	15th [2] 9/22 11/18
111 [2] 3/8 10/1	12 [5] 3/13 20/21	16 [4] 3/17 4/10
112 [20] 3/9 10/9	112/15 123/20	46/9 106/23
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113 [5] 3/10 10/12	129 [1] 4/18	18 [3] 11/8 123/21
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1 18 [1] 143/21 18-year [1] 138/15 1804 [1] 58/5 1811 [2] 58/10 58/12 1833 [1] 58/6 1853 [1] 60/3 1856 [1] 58/8 19 [3] 45/22 46/9 48/6 1900 [2] 49/21 55/3 19th [3] 75/18 75/21 77/24 1:30 [1] 152/13 2 2 miles [1] 39/8 2.5 miles [1] 78/1 20 [11] 40/11 40/17 41/5 43/24 44/23 45/3 46/1 63/23 64/2 124/14 139/24	2015 [6] 70/22 74/11 74/17 98/5 144/18 145/2 2015-06 [1] 1/7 2015-2016 [1] 71/5 2016 [12] 7/11 9/22 11/18 15/20 70/2 71/1 71/5 74/12 74/18 82/15 87/3 145/11 2017 [20] 1/3 7/19 8/8 8/14 10/5 12/21 15/22 26/19 32/22 58/24 78/11 84/4 92/4 100/20 105/6 106/1 113/24 114/16 125/11 149/16 21 [3] 43/23 45/3 64/1 215 [1] 113/24 22 [3] 44/1 44/9 44/23	250 feet [1] 151/19 26 [1] 3/20 27 [2] 58/24 121/7 28 [1] 44/11 29 [1] 3/21 29th [1] 125/11 2nd [4] 92/4 114/16 120/14 145/11 3 3-foot [2] 148/8 148/9 30 [5] 49/22 56/17 65/6 65/15 66/21 30-foot [2] 67/5 67/22 300 [2] 49/21 65/16 300 feet [1] 65/7 300-foot [1] 66/21 302 [1] 44/5 30th [1] 16/11 310-A:173 [1] 153/20
75/21 77/24 1:30 [1] 152/13 2 2 miles [1] 39/8 2.5 miles [1] 78/1 20 [11] 40/11 40/17 41/5 43/24 44/23	92/4 100/20 105/6 106/1 113/24 114/16 125/11 149/16 21 [3] 43/23 45/3 64/1 215 [1] 113/24 22 [3] 44/1 44/9	30-foot [2] 67/5 67/22 300 [2] 49/21 65/16 300 feet [1] 65/7 300-foot [1] 66/21 302 [1] 44/5 30th [1] 16/11 310-A:173 [1]

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