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STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

December 11, 2017 - 1:35 p.m. DAY 65  
49 Donovan Street AFTERNOON SESSION  
Concord, New Hampshire

{Electronically filed with SEC on 12-19-2017}

IN RE: SEC DOCKET NO. 2015-06  
Joint Application of Northern  
Pass Transmission, LLC, and  
Public Service Company of  
New Hampshire d/b/a Eversource  
Energy for a Certificate  
of Site and Facility.  
(Hearing on the merits)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:  
Chrmn. Martin P. Honigberg Public Utilities Comm.  
(Presiding as Presiding Officer)

Cmsr. Kathryn M. Bailey	Public Utilities Comm.
Christopher Way, Designee	Dept. of Resources & Economic Development
William Oldenburg, Designee	Dept. of Transportation
Patricia Weathersby	Public Member
Rachel Dandeneau	Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel to the SEC  
(Brennan, Lenehan, Iacopino & Hickey)  
Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Susan J. Robidas, NH LCR No. 44

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WITNESS PANEL: JANE DIFLEY  
WILL ABBOTT

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JO ANNE BRADBURY  
ERICK BERGLUND  
KATHERINE BERGLUND  
ROBERT COTE  
BRUCE ADAMI

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 P R O C E E D I N G S

4 (Hearing resumed at 1:35 p.m.)

5 CHAIRMAN HONIGBERG: Anything  
6 we need to do before the witnesses are sworn?

7 [No verbal response]

8 CHAIRMAN HONIGBERG: Sue, would  
9 you do the honors, please.

10 (WHEREUPON, JANE DIFLEY and WILL ABBOTT  
11 were duly sworn and cautioned by the  
12 Court Reporter.)

13 CHAIRMAN HONIGBERG: Mr.  
14 Reimers.

15 DIRECT EXAMINATION

16 BY MR. REIMERS:

17 Q. Good afternoon. My name is Jason Reimers. I  
18 represent the Forest Society. Would you  
19 please both state your names for the record.

20 A. (Difley) I'm Jane Difley.

21 A. (Abbott) Will Abbott.

22 Q. Ms. Difley, you are the president/forester of  
23 the Forest Society and also act as the chief  
24 operating officer; is that correct?

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 A. (Difley) Chief executive officer, yes.

4 Q. And Mr. Abbott, you are the Forest Society's  
5 vice-president for policy and reservation  
6 stewardship; is that correct?

7 A. (Abbott) Correct.

8 Q. You have both submitted prefiled testimony as  
9 witnesses for the Society for the Protection  
10 of New Hampshire Forests, haven't you?

11 A. (Difley) Yes.

12 A. (Abbott) Yes.

13 Q. Do you have that testimony in front of you?

14 A. (Difley) Yes.

15 A. (Abbott) Yes.

16 Q. Ms. Difley, is your testimony marked in the  
17 upper right-hand as SPNF 142?

18 A. (Difley) Yes.

19 Q. And Mr. Abbott, is your testimony, your  
20 prefiled testimony, Exhibit 1 for SPNF, and  
21 your supplemental testimony, Exhibit 2?

22 A. (Abbott) Yes.

23 Q. Are there any changes or corrections to  
24 either of your testimonies that you wish to

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 make?

4 A. (Difley) I don't believe so, no.

5 A. (Abbott) No.

6 Q. Do you adopt that testimony and swear to it  
7 today?

8 A. (Difley) Yes.

9 A. (Abbott) Yes.

10 Q. I just have a handful of questions.

11 Since the Northern Pass was first  
12 announced in 2010, has anyone from Northern  
13 Pass approached the Forest Society about  
14 siting the Northern Pass along I-93 through  
15 Franconia Notch?

16 MR. NEEDLEMAN: Objection.

17 This is material that could have and should  
18 have been covered in the initial testimony.

19 CHAIRMAN HONIGBERG: Mr.

20 Reimers.

21 MR. REIMERS: I had asked Mr.

22 Bowes whether the Northern Pass had approached  
23 either AMC or SPNHF, and he testified that he  
24 was unsure whether they had.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 CHAIRMAN HONIGBERG: Overruled.

4 You can answer.

5 A. (Difley) Would you repeat the question,  
6 please.

7 BY MR. REIMERS:

8 Q. Since the Northern Pass was first announced  
9 in 2010, has anyone from Northern Pass  
10 approached the Forest Society about siting  
11 the Northern Pass along I-93 through  
12 Franconia Notch?

13 A. (Difley) No.

14 Q. Ms. Difley, I'm going to put an exhibit up  
15 before you momentarily, and it is marked  
16 SPNF 267. And the question is whether you  
17 recognize this as a Stipulated Order of  
18 Dismissal and Memorandum of Agreement  
19 regarding the resolution of the Franconia  
20 Notch/I-93 matter that you reference in your  
21 Prefiled Testimony. Are those the documents  
22 that I just described?

23 A. (Difley) Yes.

24 Q. And does that Memorandum of Agreement, or any  
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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 subsequent Memorandum of Agreement in that  
4 Franconia Notch matter, prohibit the siting  
5 of a transmission line through Franconia  
6 Notch State Park?

7 MR. NEEDLEMAN: Objection.

8 This is just expanding on the existing  
9 testimony.

10 CHAIRMAN HONIGBERG: Mr.  
11 Reimers.

12 MR. REIMERS: Yeah, it was on  
13 Day 3, in the PM, that Mr. Bowes testified  
14 that Eversource didn't consider a route  
15 through the Notch as viable partly due to  
16 restrictions of DOT and previous consent  
17 agreements.

18 CHAIRMAN HONIGBERG: Okay. I  
19 know that. But Ms. Difley's testimony  
20 contains assertions about what can or can't be  
21 done in the I-93 corridor up there. So what  
22 are you getting that's different from what's  
23 already in her testimony?

24 MR. REIMERS: Ms. Difley's

1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 testimony mentions that the Forest Society had  
4 been involved in that Franconia Notch  
5 litigation, but she doesn't -- I don't believe  
6 she gives an opinion as to whether the  
7 Memorandum of Agreement says one way or  
8 another.

9 CHAIRMAN HONIGBERG: And as I'm  
10 scanning, I don't know either. If you want to  
11 limit her to responding to what Mr. Bowes  
12 said, you can do that.

13 BY MR. REIMERS:

14 Q. On Day 3 of this proceeding, in the  
15 afternoon, at Page 6, beginning at Line 4,  
16 Mr. Bowes was asked, "And you felt it was not  
17 viable because of the environmental and  
18 technical issues associated with Franconia  
19 Notch?"

20 The answer by Mr. Bowes: "Partly, but  
21 also the restrictions of the DOT and some  
22 agreements that had been made previously."

23 Follow-up question: "Restrictions of  
24 DOT and some of the previous consent

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 agreements, et cetera."

4 Mr. Bowes answered, "Correct."

5 Do either of you -- are either of you  
6 aware of any consent agreement that prohibits  
7 the siting of a transmission line through  
8 Franconia Notch State Park?

9 A. (Difley) No.

10 A. (Abbott) No.

11 Q. Is it true to say that the Forest Society  
12 would never support the siting of a  
13 transmission line along I-93 through  
14 Franconia Notch?

15 A. (Difley) No. It would be something that  
16 would have to be brought before our board and  
17 considered.

18 Q. Is Franconia Notch included in the I-93  
19 energy corridor established by the  
20 legislature that began with House Bill 626?

21 MR. NEEDLEMAN: Same objection.  
22 This is beyond where Mr. Bowes testified at  
23 this point.

24 CHAIRMAN HONIGBERG: Mr.

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3 Reimers.

4 MR. REIMERS: Also on Day 3,  
5 Mr. Needleman, I believe it was on redirect,  
6 asked Mr. Bowes about House Bill 626 and Mr.  
7 Bowes's understanding of whether Franconia  
8 Notch is part of the designated I-93 energy  
9 corridor. So I'm asking these witnesses if  
10 they are in agreement with that, essentially.

11 CHAIRMAN HONIGBERG: Okay. We  
12 can take that for what it's worth.

13 BY MR. REIMERS:

14 Q. Do you want me to repeat the question, or do  
15 you remember the question?

16 A. (Abbott) Please.

17 Q. Is Franconia Notch included in the I-93  
18 corridor established by the legislature as a  
19 result of House Bill 626?

20 A. (Abbott) Yes, the Franconia Notch Parkway is  
21 included as part of the energy corridor.

22 Q. My final question is whether the Forest  
23 Society is opposed to bringing 1200 megawatts  
24 of Canadian hydropower through New Hampshire

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 in general.

4 A. (Difley) No, it's the manner in which it's  
5 proposed to be brought through the state of  
6 New Hampshire.

7 MR. REIMERS: Thank you, Mr.  
8 Chair. The witnesses are available for  
9 cross-examination.

10 CHAIRMAN HONIGBERG: Ms.  
11 Connor.

12 MS. CONNOR: Thank you.

13 CROSS-EXAMINATION

14 BY MS. CONNOR:

15 Q. Good afternoon. My name is Doreen Connor,  
16 and I appear as Counsel for the Public.

17 Ms. Difley, in your prefiled testimony,  
18 you referenced the fact that the Forest  
19 Society, at least as of November 2016, had  
20 10,000 members. Do you know whether that  
21 number has gone up or down?

22 A. (Difley) It may have gone up slightly.

23 Q. Can you give us a description of how that  
24 membership breaks down between members that

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 are from New Hampshire as opposed to members  
4 that might be outside New Hampshire?

5 A. (Difley) I think it's correct to say that  
6 about 80 percent of our members are New  
7 Hampshire residents.

8 Q. And to be a member of the Society, what do  
9 you have to do?

10 A. (Difley) At this particular point in time,  
11 pay a membership dues, and then you receive  
12 our magazine and other benefits of  
13 membership.

14 Q. And are those annual membership dues?

15 A. (Difley) Yes.

16 Q. Are how much are they?

17 MR. NEEDLEMAN: Objection.

18 Relevance.

19 MS. CONNOR: Just trying to get  
20 a sense of the membership and their commitment  
21 and their position. I don't intend to go long  
22 on this.

23 CHAIRMAN HONIGBERG: Good.

24 Overruled.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 A. (Difley) I believe our base membership is  
4 about \$40. We also give memberships to  
5 anyone who contributes to one of our land  
6 protection projects.

7 BY MS. CONNOR:

8 Q. Have you heard from your membership about the  
9 position which the board has taken in these  
10 proceedings?

11 A. (Difley) Yes.

12 Q. And is the membership in favor of the  
13 position the board has taken?

14 A. (Difley) I wouldn't say 100 percent, but  
15 pretty close.

16 Q. So we're talking roughly, then, about 8,000  
17 New Hampshire residents.

18 A. (Difley) Yes. I mean, I can't give you an  
19 exact number. But something like that.

20 Q. Understood. In your prefiled testimony, you  
21 state that this project will impact 13  
22 conservation easements held by the Society.  
23 Can you describe for me what a conservation  
24 easement is, briefly?

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 A. (Difley) It might be more appropriate for  
4 Will to do that since it was in his  
5 testimony.

6 A. (Abbott) So, basically a conservation  
7 easement is a legal document. It's in fact a  
8 deed recorded at the registry of deeds  
9 encumbering an individual property held in  
10 ownership by a private landowner. And  
11 generally the easements that we do with  
12 landowners are each individually tailored to  
13 the particular land that's being protected,  
14 and it represents a very specific commitment  
15 to convey certain parts of the bundle of  
16 rights that a landowner has when he or she  
17 owns a piece of land to another party, and in  
18 our case the Forest Society.

19 As an example, if I wanted -- if I owned  
20 a farm and I wanted to protect the fields on  
21 that farm forever, I could convey a  
22 conservation easement to the Forest Society  
23 which specifically prohibited the subdivision  
24 or development of those fields.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. And yet the owner retains title to the  
4 property.

5 A. (Abbott) Correct.

6 Q. And if the Forest Society then took some  
7 action to develop that field in some respect,  
8 what are the options that the owner could  
9 take?

10 A. (Abbott) Well, I would hope that in my  
11 lifetime the Forest Society would never take  
12 such an action. Usually it's the other way  
13 around. Usually what happens is a landowner  
14 who conveyed that farm easement sells their  
15 farm to another owner and that other owner  
16 then does things on the land that were  
17 prohibited by the easement, and the Forest  
18 Society would have to take what's called  
19 "enforcement action."

20 Q. Mr. Abbott, in your prefiled testimony you  
21 identify 16 conserved properties that the  
22 Forest Society believes will be affected by  
23 the Project. Three of those are bolded and  
24 described as a "reservation." What is the

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 difference between a "reservation" and a  
4 "conservation easement"?

5 A. (Abbott) So, a reservation -- the word  
6 "reservation" is a term of art that we use  
7 internally to denote the land that we  
8 actually own outright as opposed to a  
9 conservation easement which is less than full  
10 ownership; it's the ownership of that bundle  
11 that we've acquired in the agreement with the  
12 grantor of the easement. Reservation, we own  
13 outright and we manage as our land.

14 Q. Okay. Mr. Abbott, do you recognize the map  
15 that we have up?

16 A. (Abbott) I do.

17 Q. And it was an attachment to your report -- to  
18 your prefiled testimony?

19 A. (Abbott) It was.

20 Q. In your prefiled testimony you have  
21 represented to the Committee that the  
22 conservation easement with regard to the  
23 Washburn Family Forest will be adversely  
24 impacted if this project is approved, but you

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 don't describe the document or the agreement  
4 that outlines the obligations with respect to  
5 Washburn. Can you briefly address that?

6 A. (Abbott) When we acquired this property, we  
7 did so with the intention of managing the  
8 property as a working forest, as recreation  
9 lands. And we also entered an agreement --  
10 I'm not sure this is what you're talking  
11 about -- but we entered in an agreement with  
12 the New Hampshire Fish & Game Department  
13 which provided that the department, because  
14 they were a donor to the fund that bought the  
15 property, entitled the Department to have a  
16 role in the decision making that we made in  
17 terms of managing the land, particularly as  
18 it relates to wildlife habitat purposes.

19 Q. And so how is it that that agreement is  
20 impacted by this project?

21 A. (Abbott) Well, I'm not sure that that's the  
22 only issue. But in terms of the Project's  
23 impact on the property, I think what I tried  
24 to convey in the report was that the Washburn

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Family Forest is part of a larger landscape.  
4 It's part of a gateway landscape. If you're  
5 driving on Route 3 into Pittsburg or out of  
6 Pittsburg, you see the 4-1/2 miles of  
7 frontage on the Connecticut River that  
8 represents the land protected by the Washburn  
9 Family Forest. And the point I was trying to  
10 convey is that the damage to our property in  
11 this case is actually the visual impacts that  
12 the towers that are located outside of our  
13 property, on either side of our property,  
14 will have to that gateway.

15 So the principal adverse impact, and we  
16 think it's an unreasonable adverse impact, is  
17 the damage to the landscape itself that the  
18 Washburn Family Forest is part of.

19 Q. And that damage that you're talking about is  
20 from the towers on the line that sort of  
21 traverse the bottom of the Washburn Family  
22 Forest?

23 A. (Abbott) Correct, and the towers that  
24 traverse the hillside that is westerly of the

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Connecticut River.

4 Q. Now I want to go to SPNF Page 22 of that same  
5 document. Mr. Abbott, I pulled up the next  
6 map that you prepared. And I understand that  
7 this shows four different conservation  
8 easements that the Forest Society has.

9 A. (Abbott) Correct.

10 Q. And in your report you again make the  
11 representation that the burial through Green  
12 Acres will somehow run contrary to the  
13 easement. What aspect of the easement does  
14 that run contrary to?

15 A. (Abbott) Well, if in fact the Project is  
16 buried within the easement area, the easement  
17 specifically prohibits any commercial  
18 activity, and Northern Pass would certainly  
19 constitute "commercial activity."

20 Q. And so would that be a violation that could  
21 cause the Forest Society to somehow lose the  
22 easement?

23 A. (Abbott) It would be a violation that would  
24 definitely cause the Forest Society to

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 challenge whether that can be used as a site  
4 for the Project.

5 Q. You indicate in your prefiled testimony that  
6 the other three easements -- McAllaster,  
7 Thompson and Lynne's -- have more specific  
8 language that prohibit both the above- and  
9 below-ground lines. What is that more  
10 specific language?

11 A. (Abbott) I think what the language does is it  
12 basically says -- it acknowledges that the  
13 landowners own up to the center line of the  
14 road. In other words, the road is an  
15 easement -- in this case I think an easement  
16 to the municipality -- where the landowners  
17 have agreed or have been compensated for the  
18 layout of the road. That was some time ago.  
19 And they didn't give up their right to own  
20 the land. And so the easement acknowledges  
21 that the land that's encumbered by the  
22 easement is all of the land that that  
23 individual landowner actually owns, which is  
24 to the center line of the road. And I think

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3 the point of this is that, at least in our  
4 view, any use of that land would be contrary  
5 to the purposes of the easement.

6 Q. Page 26 of Exhibit 1 shows the Kauffmann  
7 Forest and the Percy Summer Club. In your  
8 prefiled testimony you describe a management  
9 plan for Kauffmann. What is a "management  
10 plan"?

11 A. (Abbott) So, for every property that we own,  
12 we prepare -- we have a team of foresters who  
13 prepare what's called a "Forest Management  
14 Plan." A Forest Management Plan addresses  
15 how we intend to manage the land over the  
16 long term. And it addresses not only the  
17 issue of timber management, but recreational  
18 management, how we intend to manage the  
19 wildlife habitat on the land, how we intend  
20 to manage the water resources on the land.  
21 So it's a comprehensive, long-term plan that  
22 governs how the Forest Society actually makes  
23 decisions about the management of the land  
24 over time.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. One of the management goals for Kauffmann was  
4 to protect known nesting sites for the  
5 state-threatened falcon. Can you identify  
6 where within this project those nests may be?

7 A. (Abbott) I think the peregrine falcon nesting  
8 area is on the boundary between the Kauffmann  
9 Forest and what's called on the map Devil's  
10 Slide State Forest.

11 Q. Have you done any investigation as to whether  
12 this proposal for the pipeline which is -- or  
13 the transmission line which is in pink will  
14 have any impact on the management plan to  
15 protect those known nesting sites?

16 A. (Abbott) We have not.

17 Q. Another goal of the Kauffmann Management Plan  
18 was to protect several rare plant species.  
19 Do you know whether any of those will be  
20 impacted by the proposal?

21 A. (Abbott) I don't believe so, but I'm not  
22 absolutely certain.

23 Q. Are there any specific aspects of the  
24 Kauffmann Management Plan which was not in

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 your report that you believe will be  
4 adversely impacted by this project?

5 A. (Abbott) Well, I think the management plan  
6 did not anticipate this project. So it's  
7 hard to fully assess what the -- you know,  
8 when we were writing the plan, it was hard to  
9 anticipate this. So it doesn't.

10 Q. Can you describe what the Forest Society  
11 believes will be the impact of this project  
12 on Kauffmann Forest?

13 A. (Abbott) I think there are two essential  
14 adverse impacts. One is aesthetics. On the  
15 line through where the existing right-of-way  
16 is on Kauffmann Forest, the Project proposes  
17 to take down the one existing above-ground  
18 transmission line that's below tree line and  
19 replace it with two new sets of transmission  
20 lines which are well above tree line. So the  
21 aesthetic impacts of that action will be, in  
22 our view, unreasonable adverse impacts on  
23 aesthetics.

24 I think the other question that we have,

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 and we don't think it's been fully addressed  
4 by the Applicant, is whether there are any  
5 potential threats to public health and safety  
6 by virtue of the co-location of the power  
7 line, of the new power line and the new 115  
8 kV line in a 150-foot corridor with the  
9 natural gas pipeline. And it's unclear to us  
10 that the Applicant has demonstrated that  
11 there are no safety issues here, particularly  
12 since I believe that witnesses for the  
13 construction panel earlier testified that  
14 these towers that they're going to build  
15 there are designed to collapse on themselves  
16 and --

17 MR. NEEDLEMAN: Mr. Chair, I'm  
18 going to object. This is new testimony now  
19 that was not included.

20 CHAIRMAN HONIGBERG: I've  
21 forgotten the question that he was responding  
22 to.

23 MS. CONNOR: The question was  
24 his opinion with regard to the adverse impact

1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 which the Project would have on Kauffmann  
4 Forest.

5 CHAIRMAN HONIGBERG: All right.  
6 And we had gone into a lot of territory there.  
7 Can we refocus the questions and the answers  
8 and maybe get some shorter answers so that if  
9 Mr. Abbott both veers off into construction  
10 testimony about collapsing, we'll understand  
11 the context of that? That would be helpful  
12 for me, anyway.

13 BY MS. CONNOR:

14 Q. Mr. Abbott, are there any other adverse  
15 impacts which the Forest Society believes  
16 will impact Kauffmann Forest other than the  
17 ones you've just described?

18 A. (Abbott) I think the only other impacts that  
19 we're concerned about are wetland impacts  
20 along the line where the existing  
21 right-of-way is on the property.

22 Q. After the line goes through the Kauffmann  
23 Forest, it then goes through the Percy State  
24 Forest and crosses the very edge of the Percy

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Summer Club. From your legend, I understand  
4 that the Percy Summer Club is an easement  
5 that's been granted to the Forest Society?

6 A. (Abbott) That's correct.

7 Q. Are there any specific aspects of the Percy  
8 easement that are contrary to this project,  
9 or prohibited by the project?

10 A. (Abbott) Well, I believe the easement  
11 prohibits any commercial development. And  
12 I'm not a lawyer, so I won't opine on that.  
13 But the issue does concern us as to whether  
14 or not a new transmission line built in this  
15 right-of-way in any way conflicts with the  
16 purposes of the easement.

17 Q. And is there anything in particular about  
18 that aspect, the bottom right-hand corner of  
19 the Percy Summer Club, that in your opinion  
20 will be adversely impacted by this proposal?

21 A. (Abbott) Well, the road up to Christine Lake  
22 is right through that easement area, and it  
23 will be a very significant aesthetic effect.

24 Q. The fourth set of conservation properties

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 that you discussed in your prefiled testimony  
4 consists of two easements: Campen and  
5 Bartow. And it appears that the Project is  
6 going to go through both right there in the  
7 yellow. What aspects of these easements are  
8 impacted by the proposal?

9 A. (Abbott) Well, in addition to the aesthetic  
10 issues, there are significant wetland issues  
11 on both of these properties.

12 Q. Where in particular are there wetlands  
13 located on those two conservation easements  
14 in general?

15 A. (Abbott) I believe that almost 80 percent of  
16 the land in yellow, the Bartow and Campen  
17 easements, are wetlands by delineation. And  
18 they feed -- you can see to the south there  
19 are feeder streams that end up feeding into  
20 the Connecticut River, and the wetlands on  
21 these two easement areas are essentially  
22 draining into that feeder stream.

23 Q. What does the Society use these two  
24 conservation easements for?

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 A. (Abbott) Well, we basically don't use them at  
4 all. We protected the land to protect the  
5 water, the wetland areas that are in fact  
6 sort of mini headwaters of these feeder  
7 streams.

8 Q. The fifth set of seven properties that you  
9 outline in your report include the Rocks,  
10 Bethlehem -- the Rocks in Bethlehem, Hannah  
11 in Sugar Hill and Franconia, and the Manley  
12 property in Bethlehem. And you gave some  
13 description about how the Society uses the  
14 Rocks property, but you did not talk about  
15 how it uses the other two. Can you briefly  
16 describe what goes on at those locations?

17 A. (Abbott) So, in the case of the two easements  
18 you're referring to, these are still  
19 privately-held lands by the two landowners,  
20 so we don't actually use the land. The  
21 landowners own the right to use the land.  
22 What we own is the right to prevent the land  
23 from being further subdivided or developed.

24 Q. Got it. The Rocks, however, is land that the  
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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Society owns?

4 A. (Abbott) Outright, correct. It's a  
5 reservation.

6 Q. Will any of the current uses to which the  
7 Society currently uses at the Rocks be  
8 adversely impacted if Northern Pass is  
9 allowed to proceed?

10 A. (Abbott) We believe perhaps the most  
11 significant impact will be not to the Rocks  
12 property itself, but to the views that people  
13 on the Rocks property have of the  
14 Presidential Mountain Range. In fact, this  
15 is one of the most spectacular -- my personal  
16 opinion, one of the most spectacular views in  
17 New Hampshire of the Presidentials on a clear  
18 day. And what will happen if the Project is  
19 built as proposed is that the entire viewshed  
20 towards the Presidentials will have these  
21 100-foot -- 80- to 105-foot towers on the  
22 landscape that don't exist today.

23 Q. And that view towards the Presidentials is  
24 readily apparent from the area where you

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 invite people in for foresting activities,  
4 Christmas trees and all of the other things  
5 that you do at the Rocks?

6 A. (Abbott) Yes. Very clear. At least on a  
7 clear day it's very evident.

8 Q. And the number of folks that visit the Rocks  
9 on an annual basis?

10 A. (Abbott) I'm not sure we know for sure, but  
11 it's somewhere between 12- and 14,000.

12 Q. And if the number of visitors was to be  
13 adversely impacted because people didn't come  
14 because of the view, what impact would that  
15 have on the Society?

16 A. (Abbott) Well, for one thing, we have 50,000  
17 Christmas trees growing there. I think it  
18 might put a dent in our Christmas tree sales.

19 I think the visual effect, though, would  
20 be to basically tell people who come that,  
21 you know, we don't care that much about the  
22 views from the property if we were to allow  
23 something like this to happen.

24 A. (Difley) If I could? When people come to buy  
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1 [WITNESS PANEL: DIFLEY|ABBOTT]

2 a Christmas tree at the Rocks, they don't  
3 come and buy a tree that's been cut and is,  
4 you know, leaning against a rack. They come  
5 for an experience. They wonder through the  
6 fields, they cut down their own trees, the  
7 trees get taken to a place where they can get  
8 tied onto their cars. So they come not just  
9 to obtain a Christmas tree. They come for an  
10 experience that means wandering around in the  
11 snow in Bethlehem on this beautiful property  
12 with incredible views, where people bring  
13 their grandchildren for a repeat experience  
14 that they do every year. I just wanted to  
15 clarify they're not just grabbing a tree off  
16 a rack. You know, the experience is really  
17 what we hope people will have there.

18 Q. Do you have any understanding of how far and  
19 wide people come to the Rocks from?  
20

21 A. (Difley) Yes. We have global visitors there.  
22 There are -- we contribute to the North  
23 Country economy because there are bed &  
24 breakfasts and inns who promote packages

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 where people stay at the inn and they come to  
4 the Rocks and get a Christmas tree, ride in a  
5 carriage that's pulled by horses, et cetera.  
6 And those inns and bed & breakfasts now have  
7 business between Thanksgiving and Christmas  
8 that they didn't formerly have.

9 In addition to that, there are bus tours  
10 from all over the place with foreign  
11 visitors, as well as visitors from this  
12 country, who go there for the experience, or  
13 go to our maple experience where we  
14 demonstrate how maple syrup is made, or to  
15 hear one of our farm managers' presentations  
16 on wildlife educational programs. It is our  
17 North Country Education and Conservation  
18 Center.

19 Q. Those activities take place how far away from  
20 where the line is designed to go through?

21 A. (Difley) So, in the northwest corner you can  
22 see there Grovenor [sic] Road. And the  
23 activities are mostly to the east and south  
24 of -- or east and west of Grovenor Road up in

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 that northwest corner. Glessner Road. Thank  
4 you.

5 Q. West Farm Road.

6 A. (Difley) Right.

7 Q. 'Cause I saw Gulder Lane, and I thought  
8 that's where we were heading.

9 So these activities you're talking about  
10 occur around the area of West Farm Road?

11 A. (Difley) So, if I could, where it's -- Gulder  
12 Lane, where it says "The Rocks" just to the  
13 right, a little to the right and below Gulder  
14 Lane and then bound by Glessner Road --

15 Q. Correct. Almost the area that's circled.

16 A. (Difley) Almost. And you can see to the  
17 right of where it says "The Rocks" there,  
18 there's a little white place that's kind of  
19 out, that's where the bulk of the activity  
20 takes place. And where it says "The Rocks,"  
21 that's where the Christmas trees are growing.  
22 And the view looks from that place towards  
23 the line where it is proposed to be overhead  
24 towards the Presidential Range.

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3 Q. Which is in which direction?

4 A. (Difley) Northeast.

5 Q. So, again, the little white area next to "The  
6 Rocks" in the very center of the diagram is  
7 where your --

8 A. (Difley) It's where our buildings are.

9 Q. -- buildings are located. And then the trees  
10 are out in front of it?

11 A. (Difley) Yes.

12 Q. Slightly below The Rocks, in green there's an  
13 area that is labeled "Manley Deed  
14 Restrictions." And I believe it was Mr.  
15 Abbott's prefiled testimony where he's  
16 indicated that the Project is prohibited by  
17 the deed restrictions on that property. Can  
18 you tell me why that is?

19 A. (Abbott) The Manley property is not subject  
20 to a conventional conservation easement but,  
21 rather, to deed restrictions that are  
22 conservation easement-like, in the sense that  
23 they prohibit subdivision and development.  
24 And it's one option that a landowner has if

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 they prefer to, rather having a conservation  
4 easement encumbering their property; they can  
5 place restrictions directly on the deed that  
6 are recorded instruments that forever  
7 prohibit certain activities on the land.

8 Q. It appears that the Project goes right  
9 through the middle of the Manley area. Is  
10 there any specific impact one way or another  
11 caused by going through the middle of this  
12 property?

13 A. (Abbott) Where you see it going through the  
14 middle of the property is actually a buried  
15 part of the line along Route 18 in Bethlehem.  
16 And I'm not aware that there are any specific  
17 impacts other than, you know, the impacts  
18 that will result from the burial.

19 Q. Moving on to Page 33. The next set of  
20 conserved lands along the route is a  
21 153-parcel referred to as the Darvid Easton  
22 parcel. And that's in yellow here. In your  
23 report you indicate that the Project wasn't  
24 likely to have an adverse impact on this

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 land. Can you explain why that is?

4 A. (Abbott) Well, the Project is buried along  
5 Route 116 here. And I think that, other than  
6 impacts that will result, and there will be  
7 some from the construction of an underground  
8 line, there won't be the same impacts as, for  
9 example, there would be if the line were  
10 going overhead here.

11 MS. CONNOR: Okay. Move on to  
12 Page 36. We might want to flip it if we can.  
13 Perfect.

14 BY MS. CONNOR:

15 Q. The seventh set of Society conserved lands is  
16 the Spear easement here in Concord, 70 acres.  
17 And the line is proposed to go right through  
18 the center of that. Can you describe for the  
19 panel your opinion about the impact through  
20 Spear if the Project is allowed?

21 MR. NEEDLEMAN: Objection, Mr.  
22 Chair. We're just repeating testimony at this  
23 point that could have or should have been  
24 included.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 CHAIRMAN HONIGBERG: There's  
4 already been a fair bit of that, the  
5 description of the Rocks Estate, et cetera.  
6 What are we doing that's new or different?

7 MS. CONNOR: Again, it's not my  
8 witness. I'm trying to elicit things that  
9 weren't in the report. I don't have any  
10 control over how the witness answers my  
11 questions --

12 CHAIRMAN HONIGBERG: All your  
13 questions about the Rocks Estate are in  
14 testimony that was provided by these  
15 witnesses. Maybe some details about the  
16 Christmas Tree Program were not in here --

17 MS. CONNOR: Or the location.  
18 But I will --

19 CHAIRMAN HONIGBERG: We don't  
20 need ten questions to establish that. So  
21 let's focus on things that you need from these  
22 witnesses that are new, different, beyond  
23 what's in the -- what we can get by reading  
24 the testimony.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 BY MS. CONNOR:

4 Q. Mr. Abbott, your report indicates that there  
5 are already a couple of lines from Public  
6 Service Company in Spear. Do they predate  
7 the conservation easement?

8 A. (Abbott) They do.

9 Q. I want to move to Page 38, which is the last  
10 map. It goes through the Menard and Geddes  
11 Trust. You talk in your report that part of  
12 the Menard easement is directed towards the  
13 preservation of a great blue heron habitat,  
14 but you don't reference whether this project  
15 will have any impact on the blue heron  
16 habitat, and I'd like to know whether you  
17 have an answer to that.

18 A. (Abbott) I don't know, so I think I'll leave  
19 it there.

20 Q. Okay. Do you know whether blue heron habitat  
21 is located on the Menard property?

22 A. (Abbott) I don't.

23 Q. All right.

24 MS. CONNOR: If we could pull

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3 up Pages 40 to 41. I don't know if you can do  
4 it side by side.

5 BY MS. CONNOR:

6 Q. Mr. Abbott, this is Attachment A from your  
7 report. Do you recognize the list?

8 A. (Abbott) I do.

9 Q. What does this list represent?

10 A. (Abbott) This list represents the  
11 conservation properties that are not owned by  
12 the Forest Society or not burdened by  
13 conservation easements held by the Forest  
14 Society which will be directly affected by  
15 the Project as proposed.

16 Q. And when you say "directly affected," do you  
17 mean that the Project goes through these 28  
18 easements?

19 A. (Abbott) Yes. Some are not easements. There  
20 are some state parks in there and state  
21 forests. But yes.

22 Q. Okay. If we can move on to page SPNF 42.  
23 This is a two-page list, Attachment B, to  
24 your report. And this lists 12,660 acres

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 within a half-mile buffer. I'm assuming --  
4 tell me what you mean when you use that as a  
5 legend. Within a half-mile buffer of what?

6 A. (Abbott) Of the center line of the existing  
7 right-of-way.

8 Q. And these are all -- how do you compile this  
9 list?

10 A. (Abbott) So we used a GIS data base that's  
11 maintained by the state and the Granit  
12 system, and we asked it to retrieve  
13 everything within a half-mile on either side  
14 of the right-of-way, and this is the list  
15 that we came up with.

16 MS. CONNOR: If we can go back  
17 to Page 15.

18 BY MS. CONNOR:

19 Q. Mr. Abbott, this was also in your report. We  
20 briefly discussed the areas in orange as we  
21 go down the line, but we haven't talked at  
22 all about the light blue. You reference in  
23 your legend that those are communities which  
24 you believe will have a -- will be indirectly

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 impacted if this project goes through. Tell  
4 me what you mean by "indirect impact."

5 A. (Abbott) It's largely visual impacts that  
6 will be visible from these communities, even  
7 though the Project does not directly impact  
8 the communities.

9 Q. And how did you determine which communities  
10 would be indirectly impacted?

11 A. (Abbott) I actually believe that we based  
12 this on information that Patricia O'Donnell  
13 came up with in her research for Counsel for  
14 the Public.

15 MS. CONNOR: I have nothing  
16 further.

17 CHAIRMAN HONIGBERG: Ms. Pacik,  
18 anybody from your group? Or Ms. Fillmore or  
19 Mr. Whitley?

20 MS. PACIK: We don't have any  
21 questions. Thank you.

22 CHAIRMAN HONIGBERG: Ms.  
23 Menard? Ms. Menard's shaking her head "No."

24 Ms. Percy?

1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 MS. PERCY: Yes.

4 CHAIRMAN HONIGBERG: Off the  
5 record while Ms. Percy is coming up.

6 (Discussion off the record.)

7 CROSS-EXAMINATION

8 BY MS. PERCY:

9 Q. Good afternoon. It is afternoon. My name s  
10 Susan Percy, and I am the intervenor for the  
11 Percy Summer Club. And because I haven't  
12 been here for a while, I'd like to remind  
13 everyone that I represent not only the Percy  
14 Summer Club, but I am the spokesperson for  
15 Dummer, Stark and Northumberland. And  
16 because we have public access, I like to  
17 think I represent the public as well.

18 So, how are you doing? It's hard being  
19 back here after such a hiatus, I have to tell  
20 you. You lose your rhythm. But I just have  
21 a couple questions for you.

22 Can you tell me how many acres New  
23 Hampshire citizens have entrusted to the  
24 Forest Society in a global sense?

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 A. (Difley) Yes. We have about 55,000 acres  
4 that we own. The forestry term for this is  
5 "in fee." We actually own them. Those are  
6 our reservations. And we have over  
7 130,000 acres of conservation easements. In  
8 addition to that, there are untold numbers of  
9 acres that the Forest Society has helped  
10 others to protect, including the U.S. Forest  
11 Service and the State of New Hampshire, of  
12 lands that we have purchased or been given  
13 and we've transferred to those public  
14 entities.

15 Q. Great. That's a lot.

16 At the technical session, Counsel for  
17 the Public asked the Percy Summer Club what  
18 the overall financial contribution was of the  
19 lands given to the Forest Society. Do you  
20 recall that?

21 A. (Difley) I don't recall that. I don't recall  
22 the question.

23 Q. Okay. So Counsel for the Public asked Percy  
24 Summer Club and member, John Kauffmann,

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 gifted -- so, put a reservation in place --  
4 gifted the Forest Society, but also put a  
5 conservation easement in place with the  
6 Forest Society. And we were asked what the  
7 financial contribution was. And because you  
8 also now have the land, I directed that as  
9 well to you. Do you recall that?

10 A. (Abbott) I don't recall.

11 Q. Okay. So can I give you the response? Do  
12 you recall the response?

13 MR. NEEDLEMAN: I'm going to  
14 object on relevance grounds.

15 CHAIRMAN HONIGBERG: Ms. Percy.

16 MS. PERCY: I think it's  
17 important to note that the Forest Society has  
18 gotten contributions from the public in just  
19 gifts of land to the Forest Society for the  
20 benefit of New Hampshire citizens, and in  
21 that, that it is with the understanding that  
22 there would be some protection that takes  
23 place. Is that correct? Would that work?

24 CHAIRMAN HONIGBERG: I think

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 what they do, taking money -- taking land and  
4 protecting it, I think we got that on the  
5 record already.

6 MS. PERCY: And so in terms of  
7 the Counsel for the Public asked a specific  
8 question of us in terms of how much was the  
9 estimated value of the lands that were given  
10 to the Forest Society from the Percy Summer  
11 Club that created the Kauffmann Forest and the  
12 easement, that's all I'm getting to.

13 CHAIRMAN HONIGBERG: Sure. Go  
14 ahead.

15 MS. PERCY: Thank you.

16 BY MS. PERCY:

17 Q. So do you recall that? Forget it. I know  
18 you don't recall it.

19 A. (Difley) It's priceless.

20 Q. Question 8, my answer to the Counsel for the  
21 Public's Question 8 was that we have no value  
22 assigned to that. Would you agree with that?

23 A. (Abbott) I certainly agree that's what it  
24 says.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. For the Kauffmann Forest, though, you got  
4 over 2,000 acres of land; is that correct?

5 A. (Abbott) Correct.

6 Q. And for the conservation easement that was  
7 put in place by the Percy Summer Club, that's  
8 around 300 acres; is that correct?

9 A. (Abbott) Correct.

10 Q. So could you value that for the -- oh, no,  
11 no. No, no, no. You can tell I took a  
12 hiatus. I don't remember how to do this.

13 MR. NEEDLEMAN: I had no idea I  
14 was so comical.

15 BY MS. PERCY:

16 Q. So, both easements resulted in lands  
17 protected in perpetuity; is that correct?

18 A. (Abbott) Right.

19 Q. And would you -- how would you characterize  
20 the value of these lands?

21 A. (Abbott) I think Ms. Difley's  
22 characterization of "priceless" probably says  
23 it best.

24 Just to give you some context, I don't

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 know what the book value was of the Kauffmann  
4 Forest when we put it on our books. But for  
5 what it's worth, the 55,000 acres of land  
6 that we own was entered into our accounting  
7 system as having over \$60 million of value.  
8 That was the value of the land at the time we  
9 acquired it, and that's the value that we  
10 carry it at.

11 Q. Okay. Did you have something?

12 A. (Difley) I was just going to say that part of  
13 the value is the value of having protected  
14 the entire frontage on Christine Lake and the  
15 entire sort of watershed around that lake and  
16 the incredible landscape of which it is a  
17 part of. So, some of the various pieces of  
18 land that John Kauffmann gave us and that the  
19 Percy Summer Club gave us the easement on is  
20 not just the value of the individual parcels,  
21 but it's one of those things where the sum is  
22 greater than -- is equal to greater than the  
23 sum of the parts, or however that goes.

24 Q. Great. Thank you very much.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 MS. PERCY: I have no further  
4 questions.

5 CHAIRMAN HONIGBERG: No other  
6 intervenor group indicated they had questions  
7 for this panel, so I'll call on Mr. Needleman.

8 CROSS-EXAMINATION

9 BY MR. NEEDLEMAN:

10 Q. Mr. Abbott and Ms. Difley, I'm Barry  
11 Needleman. I represent the Applicant. I  
12 just wanted to start with a quick question  
13 following up on what Mr. Reimers asked you a  
14 little while ago. He asked you about energy  
15 infrastructure corridors in New Hampshire.  
16 Do you remember that?

17 A. (Abbott) Yes.

18 Q. What I've put up in front of you is the  
19 initial proposed version of HB626, which was  
20 the energy infrastructure corridor bill. And  
21 I've circled the definition down there of  
22 what the original proposed definition of the  
23 corridor was on I-93. Do you see that?

24 A. (Abbott) I do. I see that.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. And I assume you're somewhat familiar with  
4 this?

5 A. (Abbott) I am.

6 Q. And so this is going to be Applicant's  
7 Exhibit --

8 MR. NEEDLEMAN: Dawn, what's  
9 the number?

10 MS. GAGNON: 462.

11 BY MR. NEEDLEMAN:

12 Q. Applicant's Exhibit 462.

13 And now I'm going to show you  
14 Applicant's 463, which is the actual adopted  
15 version which is currently the law in New  
16 Hampshire today. And I've also circled the  
17 definition which was changed between the  
18 proposed version and the adopted version. Do  
19 you see that?

20 A. I do.

21 Q. And do you see how the law today as adopted  
22 explicitly excludes 1.7 miles along I-93 as  
23 part of the energy corridor?

24 A. (Abbott) Yes.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. So we agree that, in fact, all of I-93 is not  
4 included as an energy corridor, that  
5 1.7 miles is excluded under New Hampshire  
6 state law; is that right?

7 A. (Abbott) And the reason why that 1.7 miles is  
8 excluded is because it isn't owned by the  
9 State of New Hampshire; it's owned by the  
10 White Mountain National Forest. It's not  
11 because it's Franconia Notch Parkway.

12 Q. Understood. But it is excluded as a  
13 corridor; isn't that correct?

14 A. (Abbott) It is excluded, yes.

15 Q. Now, turning to your testimony. You filed  
16 your prefiled testimony which was SPNF  
17 Exhibit No. 1. And you attached to your  
18 testimony your report; is that correct?

19 A. (Abbott) Correct.

20 Q. And on Page 2, Paragraph 2 of your report,  
21 you talk generally about the purpose. And  
22 you say, "The primary impacts detailed herein  
23 include aesthetics impacts on the affected  
24 landscapes, the natural resource impacts on

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

2 the protected land and the legal impacts on  
3 property rights of affected landowners." Do  
4 you recall that?  
5

6 A. (Abbott) Yes.

7 Q. So those three categories here seem to be  
8 your focus, and that's what I'd like to talk  
9 to you about today. And I want to begin with  
10 the Washburn Family Forest. And with respect  
11 to that SPNHF property, that's on Page 6 of  
12 your testimony. And SPNHF owns this in fee;  
13 is that correct?

14 A. (Abbott) Correct.

15 MR. NEEDLEMAN: And Dawn, if  
16 you could pull up the bottom of Page 6 of the  
17 report?

18 BY MR. NEEDLEMAN:

19 Q. And with regard to where the Project will be  
20 buried beneath Route 3, you said that your  
21 legal property rights would be violated by  
22 Northern Pass as proposed; is that right?

23 A. (Abbott) Correct.

24 Q. And you wrote this prior to the point that  
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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 the New Hampshire Supreme Court decided the  
4 case that SPNHF filed on this issue; is that  
5 correct?

6 A. (Abbott) Correct.

7 Q. And subsequently, the Court determined that  
8 your property rights would not be violated as  
9 you assert here; is that right?

10 A. (Abbott) Not entirely. I think the Court  
11 ruling left open one issue which it claimed  
12 was not right for adjudication, which has to  
13 do with whether the proposed use of our land  
14 would represent a taking or an inverse  
15 condemnation. The Court said that issue was  
16 not ripe enough for the Court to address.

17 MR. NEEDLEMAN: Dawn, could you  
18 put up Applicant's 79, Page 3, please?

19 BY MR. NEEDLEMAN:

20 Q. I've highlighted the section of the decision  
21 that talks about this issue. And I'll be  
22 clear that I'm not asking you for a legal  
23 opinion here. What I'm asking you is  
24 directly in relation to the testimony that

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 you provided regarding your property rights.  
4 And it's my understanding that you asserted  
5 those rights in this case, and the Court  
6 determined, in accordance with what's said  
7 here, that your rights would not be violated;  
8 is that correct?

9 A. (Abbott) I'm not a lawyer. But the way I  
10 understood this was that the Court was  
11 saying, by virtue of the fact that there was  
12 a road right-of-way held by the State of New  
13 Hampshire, that the Applicant was entitled to  
14 use that right-of-way.

15 Q. Okay. We can move on.

16 In your prefiled testimony on Page 7,  
17 Line 12, still talking about the Washburn  
18 Family Forest, you said, "The damaging visual  
19 impacts would be the landscape scars of the  
20 above-ground Northern Pass towers to the  
21 immediate west and east of the property as  
22 Route 3 passes through it. Both would be  
23 highly visible from Route 3 and from  
24 viewpoints on the property itself"; is that

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 right?

4 A. (Abbott) That's right.

5 Q. Now, this is the first property in your  
6 report where you offer conclusions about  
7 visual impacts, and I just want to run  
8 through a few points.

9 You aren't a visual impact expert; is  
10 that right?

11 A. (Abbott) Correct.

12 Q. You've never prepared a visual impact  
13 assessment?

14 A. (Abbott) Correct.

15 Q. You don't have any experience developing  
16 visual impact assessments?

17 A. (Abbott) Correct.

18 Q. And you didn't do any visual analysis on your  
19 own to prepare your testimony; is that right?

20 A. (Abbott) That's correct.

21 Q. And I understand at the technical session --  
22 well, your testimony was filed on  
23 November 15, 2016; is that right?

24 A. (Abbott) Correct.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. And then you hired an expert in this case,  
4 Mr. Dodson, who filed testimony on  
5 December 30th, 2016, six weeks after you; is  
6 that right?

7 A. (Abbott) Correct.

8 Q. And you told me at the technical session that  
9 at the time you prepared your testimony, you  
10 didn't consult with Mr. Dodson about the  
11 conclusions in your testimony; is that right?

12 A. (Abbott) That's correct.

13 MR. NEEDLEMAN: Dawn, what's  
14 the next exhibit, the data request?

15 MS. GAGNON: 458.

16 MR. NEEDLEMAN: All right. So  
17 we'll call up Applicant's 458.

18 BY MR. NEEDLEMAN:

19 Q. So in this data request, we asked you what  
20 information you were relying on in order to  
21 offer the opinion that there would be  
22 damaging visual effects to the Washburn  
23 Family Forest. Do you recall this?

24 A. (Abbott) I do.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. And your answer is there. You said it was  
4 supported by the Application, documents  
5 submitted by others and information in your  
6 testimony, et cetera. Do you see that?

7 A. (Abbott) I do.

8 Q. So I want to probe that a little bit. First  
9 of all, with respect to your assertion that  
10 you said it's supported by materials in the  
11 Application, I want to call up Applicant's  
12 Exhibit 1, Appendix 17, which is Mr. DeWan's  
13 Visual Impact Assessment, and in particular,  
14 on the portion of the Washburn Family Forest.

15 So, APP 14340 actually looks at the  
16 Washburn Family Forest. And Mr. DeWan  
17 concluded that the visual impact would be  
18 low; is that right?

19 A. (Abbott) That was his conclusion.

20 Q. And if you go to APP 14341 --

21 MR. NEEDLEMAN: And Dawn, if  
22 you could pull up the highlighted section?

23 BY MR. NEEDLEMAN:

24 Q. Mr. DeWan concluded that there's virtually no  
{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 visual evidence of the NPT line at the  
4 entrance to the forest and other areas. Do  
5 you see that?

6 A. (Abbott) I do.

7 Q. And lower down he also offers conclusions  
8 about visual impacts there. Do you see that?

9 A. (Abbott) I do.

10 Q. So, certainly the information in the  
11 Application doesn't support your assertion.  
12 In fact, it contradicts it; isn't that fair  
13 to say?

14 A. (Abbott) I would disagree with that. I think  
15 Mr. DeWan -- or I think the Visual Impact  
16 Assessment is quite narrowly looking at just  
17 the entrance to the Washburn Family Forest.  
18 What I'm arguing is if you're driving on  
19 Route 3 over the Connecticut River to the  
20 north or from Pittsburg south, that you're  
21 going to see these towers on both sides of  
22 the Connecticut River.

23 Q. Well, he doesn't actually just say the  
24 entrance, does he? He says the entrance, the

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Connecticut River frontage or the wooded  
4 roads within the forest. So he covers all  
5 those areas; right?

6 A. (Abbott) I don't think he walked the land.

7 Q. So what you're essentially saying is you  
8 agree he concluded this; you just disagree  
9 with the conclusion.

10 A. (Abbott) That's correct.

11 Q. Now, in Exhibit 69, Page 14 -- and this is  
12 Mr. Dodson's work on the Washburn Family  
13 Forest -- you said you also relied on this  
14 information. It wasn't clear to me whether  
15 you actually relied on this because it  
16 sounded like I think your testimony predated  
17 this.

18 A. (Abbott) I think it's fair to say that I  
19 didn't rely on this for my testimony.

20 Q. Okay. Let's look, though, at what Mr. Dodson  
21 said after you filed your testimony.

22 MR. NEEDLEMAN: Dawn, if we  
23 could pull that?

24 BY MR. NEEDLEMAN:

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. So after you filed your testimony, he didn't  
4 actually perform his own assessment of the  
5 forest; isn't that correct?

6 A. (Abbott) That's correct.

7 Q. He simply looked at the ratings that Mr.  
8 DeWan provided, and then without any analysis  
9 just made those changes as we see here; is  
10 that right?

11 A. (Abbott) Yes.

12 Q. In fact, other than making these changes to  
13 these ratings here, he actually didn't make a  
14 determination about impact in the Washburn  
15 Family Forest; is that right?

16 A. (Abbott) I would agree he didn't make a  
17 comprehensive assessment, yes.

18 Q. I'm not talking about a comprehensive  
19 assessment. I'm talking about the sum total  
20 of his work on the Washburn Forest as  
21 reflected on this page. And it doesn't  
22 include any ultimate determination about his  
23 opinion on impacts; is that right?

24 A. (Abbott) And I don't think his purpose was

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 that. I think his purpose was to offer a  
4 critique of Mr. DeWan's testimony.

5 Q. So is it fair to say that there is nothing in  
6 the work that Mr. Dodson did that would  
7 support your contentions about the visual  
8 impact on the Washburn Family Forest?

9 A. (Abbott) I think it's fair to say that  
10 there's nothing in either DeWan's or Dodson's  
11 testimony that would support what I said.

12 Q. You talked about various conservation  
13 easements. Is it correct that for each of  
14 the conserved parcels that you list that are  
15 encumbered by the PSNH right-of-way, every  
16 one of those parcels, the acquisition of  
17 those parcels was predated by the existence  
18 of the right-of-way? Is that correct?

19 A. (Abbott) I believe so.

20 Q. Now, on Page 2 -- or in your report on  
21 Page 8 --

22 MR. NEEDLEMAN: If we can go  
23 there, Dawn.

24 BY MR. NEEDLEMAN:

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. You said there are four Forest Society  
4 conservation easements located within the  
5 bare rock landscape, and then you identify  
6 those four conservation easements; is that  
7 right?

8 A. (Abbott) Correct.

9 Q. And then on the bottom of Page 9 you state  
10 that SPNHF acquired these easements as an  
11 attempt to block the prior overhead  
12 configuration of the Northern Pass Project;  
13 is that right?

14 A. (Abbott) That's correct.

15 Q. So, just to clarify, I think what you mean by  
16 that is Northern Pass originally was  
17 attempting to secure an overhead route  
18 through the North Country, and in an effort  
19 to block that route, SPNHF acquired certain  
20 parcels of land; is that right?

21 A. (Abbott) We acquired easements on certain  
22 parcels of land.

23 Q. And the intention was that if you were  
24 successful in acquiring those easements,

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Northern Pass couldn't use that piece of land  
4 for its project; is that right?

5 A. (Abbott) That's correct.

6 Q. And so ultimately, Northern Pass, because of  
7 some of those efforts, had to reconfigure the  
8 line, and it is now where it is in part  
9 because of those SPNHF efforts; is that  
10 right?

11 A. (Abbott) I don't know that for a fact, but I  
12 think that's probably likely.

13 Q. Okay. Now, on Page 9, in the second  
14 paragraph, you say that if Northern Pass is  
15 built above ground or below ground through  
16 the lands encumbered by any of these  
17 easements, the legal prohibitions contained  
18 within these easements would be contravened.

19 A. (Abbott) That's correct.

20 Q. Now let me go back to Page 8, in the middle.  
21 So these are the purposes you list for the  
22 Green Acre Woodland easement, for example.  
23 See that?

24 A. (Abbott) Yes.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. And you agreed with me at the tech session  
4 that, in fact, because the Project is  
5 configured the way it is right now, none of  
6 the purposes listed here would be affected by  
7 the Project. Do you recall that?

8 A. (Abbott) I do recall that.

9 Q. Now, we talked a moment ago -- or you talked  
10 a moment ago about the Kauffmann Forest and  
11 Percy Summer Club. I want to ask you some  
12 questions about that.

13 MR. NEEDLEMAN: Page 14, last  
14 paragraph. Yeah, the report, last paragraph.  
15 We can just leave it as it is.

16 BY MR. NEEDLEMAN:

17 Q. You say here that the Forest Society believes  
18 that a reasonable person would conclude that  
19 the impacts in these areas would have an  
20 unreasonable adverse effect on aesthetics; is  
21 that right?

22 A. (Abbott) That's right.

23 Q. So I want to pull up again another data  
24 response. It's Applicant's 1-7.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 MR. NEEDLEMAN: What's the  
4 number?

5 MS. GAGNON: 459.

6 BY MR. NEEDLEMAN:

7 Q. This is Applicant's 459. And again to try to  
8 understand what you meant by this during  
9 discovery, we asked you to tell us what  
10 documents you were relying upon. And you  
11 essentially provided the same answer as the  
12 prior one, the Application and various other  
13 documents. Do you see that?

14 A. (Abbott) I do.

15 Q. And so I want to go again to Mr. DeWan's  
16 report. And I assume you're aware that he  
17 evaluated the Kauffmann Forest?

18 A. (Abbott) I am.

19 Q. If we look at APP 14420, which is Mr. DeWan's  
20 evaluation, you can see here he says that  
21 with the exception of a short section of  
22 Christine Lake Road, the Project components  
23 wouldn't be visible from the forest, and the  
24 Project isn't going to change the

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 recreational character of that particular  
4 area. Do you see that?

5 A. (Abbott) I do.

6 Q. And it's also true that neither you nor your  
7 visual expert did any analysis of these  
8 resources; is that right?

9 A. (Abbott) Correct.

10 Q. In fact, I think that Mr. Dodson's analysis  
11 was simply to do the same thing we saw  
12 before, which is to look at what DeWan did  
13 and change some of the numbers, but not offer  
14 a conclusion about ultimate impacts; is that  
15 right?

16 A. (Abbott) Yes. I mean, I believe that Mr.  
17 Dodson used a different -- came to a  
18 different conclusion than Mr. DeWan, as I  
19 understand it, based largely on the same  
20 basic information.

21 Q. Again, without doing any analysis.

22 A. (Abbott) Correct.

23 Q. So let me go again now to Applicant's 1. And  
24 I'm going to look at APP 14424, which is Mr.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 DeWan's assessment of the Nash Stream Forest  
4 and the Cohos Trail which surround the Percy  
5 Summer Club easement; is that right?

6 A. (Abbott) I see it.

7 Q. Is it correct that this includes scenic  
8 resources like Bald Mountain Notch Trail,  
9 Victor Head Cliff and Percy Peak Trail?

10 A. (Abbott) Correct.

11 Q. And you understand that DeWan found the  
12 overall visual impact for these resources to  
13 be low?

14 A. (Abbott) I read it.

15 Q. And are you aware that T.J. Boyle, Counsel  
16 for the Public's experts, also looked at  
17 these resources?

18 A. (Abbott) I am.

19 Q. And I think what they did is they assessed  
20 the Nash Stream Forest as a whole, didn't  
21 look particularly at Victor Head, and they  
22 also concluded that the visual impacts would  
23 be low. Were you aware of that?

24 A. (Abbott) I was.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 MR. NEEDLEMAN: That was, just  
4 for the record, at CFP 003841. I don't need  
5 to call it up.

6 BY MR. NEEDLEMAN:

7 Q. So, certainly both of these experts, Mr.  
8 DeWan and Counsel for the Public's expert,  
9 disagree with your conclusion here; is that  
10 right?

11 A. (Abbott) I would guess you're right.

12 Q. And in your report on Page 14 with regard to  
13 the Percy Summer Club, you said that the tops  
14 of the new towers of one or both of the new  
15 facilities may be visible from parts of  
16 Christine Lake. Do you recall saying that?

17 A. (Abbott) I do.

18 Q. Isn't it true that Mr. Dodson, your visual  
19 expert, didn't dispute Mr. DeWan's finding  
20 that the Project wouldn't be visible from  
21 Christine Lake?

22 A. (Abbott) I don't recall that. But I've  
23 paddled on Christine Lake many times, and I  
24 can see the existing right-of-way. So I

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 think my assessment was based on personal  
4 experience being at the location.

5 Q. Let me call up SPNF Exhibit 69, Page 32,  
6 which is Mr. Dodson. And if we can go down  
7 to Christine Lake. And again this was Mr.  
8 Dodson commenting on the report done by  
9 DeWan; is that correct?

10 A. (Abbott) Yes.

11 Q. And there's nothing in here where he speaks  
12 about visibility; is that correct?

13 A. (Abbott) I'd have to look more than what I'm  
14 looking at on the screen to come to that  
15 conclusion. But subject to check, I will,  
16 and for the purposes of answering your  
17 question --

18 Q. I think that's a fair point. I actually  
19 thought this showed a little more than I  
20 think at the moment. I couldn't find  
21 anything where he contradicted Mr. DeWan's  
22 conclusion. But I don't have anything else  
23 to show you on that. So unless you can  
24 recall something, I'll move on.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 A. (Abbott) Okay.

4 Q. Okay. Let me talk to you about the Bartow  
5 and Campen conservation easements you  
6 mentioned in Lancaster.

7 On Page 16, end of the last paragraph of  
8 your report, you conclude, "The erection of  
9 new Northern Pass towers would significantly  
10 degrade the views of these lands between  
11 Grange Road and the Lancaster Town Forest";  
12 is that correct?

13 A. (Abbott) Correct.

14 Q. And again, you didn't do any of your own  
15 analysis to support that conclusion; is that  
16 right?

17 A. (Abbott) I walked the land.

18 Q. Other than that, nothing else?

19 A. (Abbott) No.

20 Q. And you didn't consult with your visual  
21 expert about these aesthetic impacts; is that  
22 right?

23 A. (Abbott) That's correct.

24 Q. And Mr. Dodson didn't evaluate these

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 resources; is that right?

4 A. (Abbott) Correct.

5 Q. At the time you acquired these, or at the  
6 time the Forest Society acquired these two  
7 easements, the easements were already  
8 encumbered by the PSNH right-of-way here.

9 A. (Abbott) That's correct.

10 Q. Let me turn to The Rocks Estate. You and Ms.  
11 Connor talked about that a little bit.

12 On Page 18 of your report, the end of  
13 the last paragraph, you say that this is  
14 amongst the most unreasonable adverse impact  
15 on aesthetics currently enjoyed by public  
16 visitors along the entire 132 miles of  
17 overhead line proposed by Northern Pass. You  
18 see that?

19 A. (Abbott) I do.

20 Q. I assume you're aware that Mr. DeWan  
21 concluded that the overall impact in this  
22 location was low-medium?

23 A. (Abbott) Yes, and I heartily disagree with  
24 that.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. I would assume you would. Do you recall what  
4 Counsel for the Public concluded about this  
5 location?

6 A. (Abbott) I do not.

7 MR. NEEDLEMAN: Let me call up  
8 CFP 005023, Dawn.

9 BY MR. NEEDLEMAN:

10 Q. And this is their evaluation sheet for The  
11 Rocks Estate. Do you see that?

12 A. (Abbott) I do.

13 Q. And if you look at the bottom, it says  
14 "potential visual impact"? Do you see that?

15 A. (Abbott) I do.

16 Q. And Counsel for the Public's expert concluded  
17 in this location that the impact was medium;  
18 is that right?

19 A. (Abbott) That's what they concluded.

20 Q. So, again, fair to say both of these experts  
21 disagree with your conclusion at this  
22 location; is that right?

23 A. (Abbott) Apparently so.

24 Q. Let me go back to something I was asking you  
{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 about before, which was the land that the  
4 Society acquired up north to block the  
5 original proposed route. There have been  
6 several times during this proceeding I think  
7 where your counsel questioned various  
8 witnesses about the effect that the proposal  
9 would have on Little Diamond Pond and Big  
10 Diamond Pond. You were here for a lot of  
11 that. Do you recall that?

12 A. (Abbott) Yes, I do.

13 Q. There was one day, for example, where Mr.  
14 Reimers questioned Mr. Varney about the  
15 effect on those particular locations. Do you  
16 remember that?

17 A. (Abbott) Vaguely.

18 Q. Let me call up the view sim for this location  
19 that we focused on so many times before.

20 MR. NEEDLEMAN: If we could,

21 Dawn.

22 BY MR. NEEDLEMAN:

23 Q. So this is something you've seen before, that  
24 we've all seen before; is that right?

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 A. (Abbott) Correct.

4 Q. This is the view sim of the Project as  
5 proposed right now from Little Diamond Pond;  
6 is that right?

7 A. (Abbott) Yes.

8 Q. And we discussed earlier how SPNHF had  
9 acquired conservation easements in this area  
10 to try to block the Project; is that right?

11 A. (Abbott) Yes.

12 Q. And as part of SPNHF's campaign to do that,  
13 they specifically acquired some easements in  
14 the land right around here, around The  
15 Balsams property; is that right?

16 A. (Abbott) Correct.

17 MR. NEEDLEMAN: Dawn, let me  
18 call up that next exhibit, SPNF 000773. What  
19 number is that?

20 BY MR. NEEDLEMAN:

21 Q. So this was a document produced to us in  
22 discovery where we were requesting a list of  
23 the land that SPNHF acquired as part of this  
24 blocking effort. And I assume that you're

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 familiar with this and probably had some role  
4 in preparing it?

5 A. (Abbott) Yes.

6 Q. And No. 7 in particular is one that I wanted  
7 to focus on. Is that a property that you're  
8 familiar with?

9 A. (Abbott) It is.

10 Q. And that is a property sort of north of the  
11 Balsams Resort, but south of the place where  
12 we just looked at this view sim; is that  
13 right?

14 A. (Abbott) Right.

15 MR. NEEDLEMAN: And what I'd  
16 like to do is call up the next exhibit, Dawn,  
17 which is the map.

18 MS. GAGNON: 460?

19 MR. NEEDLEMAN: 460. And Dawn  
20 if we can just focus on the top half of the  
21 map.

22 BY MR. NEEDLEMAN:

23 Q. So let me ask you a couple of questions about  
24 this map to get us oriented, Mr. Abbott.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 That triangular pointed piece of  
4 property to the right side that has the red  
5 lines running horizontally across it, that  
6 was the piece of property we were just  
7 talking about; is that right?

8 A. (Abbott) Yes, that's part of the Balsams  
9 property.

10 Q. And those red lines represented the place  
11 where the Project was initially going to go;  
12 is that right?

13 A. (Abbott) Yes.

14 Q. And SPNHF acquired the conservation easement  
15 here which then prevented the Project from  
16 locating within those red lines; is that  
17 correct?

18 A. (Abbott) Correct.

19 Q. And that pond directly to the south of the  
20 red lines I believe is Mud Pond. Does that  
21 sound correct?

22 A. (Abbott) I think that's right.

23 Q. And the pond to the right and slightly up is,  
24 I believe, Nathan Pond; is that right?

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 A. (Abbott) Correct.

4 Q. And the map is oriented, I think,  
5 north/south. So if one continued just off  
6 the north side of the map, you would get to  
7 Little and Big Diamond Pond; is that right?

8 A. (Abbott) Yes.

9 Q. And so really, just on the edge of the map  
10 here now is the location where the Project is  
11 presently located; is that correct?

12 A. (Abbott) Correct. Just to the north of the  
13 tip of that triangle.

14 Q. Right. So, by acquiring this conservation  
15 easement, the result was that the Project had  
16 to move further north than it originally  
17 would have; is that correct?

18 A. (Abbott) As I recall, there was only one  
19 property between the Balsams and Coleman  
20 State Park that could have been used, and the  
21 Project acquired it.

22 Q. Well, let me go back to my question, though.  
23 When SPNHF acquired this piece of property as  
24 shown on this exhibit, it prevented Northern

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Pass from using it, and so Northern Pass had  
4 to move north and closer to Little Diamond  
5 Pond; is that right?

6 A. (Abbott) That's what eventually happened. I  
7 don't think Northern Pass -- I think Northern  
8 Pass only had one option.

9 Q. Well, that's correct. That was my point.  
10 So, but for SPNHF blocking that access, the  
11 Project could have been located further away,  
12 and then when we looked at that view sim  
13 before, the Project would not have been along  
14 that ridge. It would have been behind that  
15 ridge; is that correct?

16 A. (Abbott) I suppose that is correct. Yes.

17 Q. So, in other words, the impacts that people  
18 have expressed concerns about at Little  
19 Diamond Pond would have been avoided if the  
20 Project could have used this parcel here in  
21 those red lines; is that correct?

22 A. (Abbott) All of the Project impacts could be  
23 avoided if they didn't build overhead towers.

24 Q. Well, I'm focused on this impact in

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 particular.

4 A. (Abbott) I understand. But I guess my point  
5 is -- the answer to your question is yes.  
6 The real issue for us isn't about one  
7 location where there happens to be towers or  
8 don't happen to be towers. I think the point  
9 is that wherever you put these towers,  
10 they're going to be -- there's going to be,  
11 in our view, unreasonable adverse impact.

12 Q. Certainly the towers can be located in  
13 locations that would help to minimize those  
14 impacts, especially on scenic resources; is  
15 that correct?

16 A. (Abbott) I'm not sure I agree with that.

17 Q. So you think there is just no way the Project  
18 could be built overhead at all without  
19 avoiding those impacts.

20 A. (Abbott) I don't think it's -- I don't really  
21 think it's possible to build this project  
22 through the new 30 miles of overhead located  
23 in the North Country, in Northern Coos  
24 County, without there being an unreasonable

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 adverse impact on aesthetics.

4 Q. But we certainly agree that with respect to  
5 the impact as proposed on Little Diamond  
6 Pond, that would be significantly different  
7 if the Project were located in this corridor  
8 right here; is that correct?

9 A. (Abbott) I would agree with that, with the  
10 understanding that we're construing your  
11 question narrowly to just that one point.

12 Q. Understood. Thank you both. I appreciate  
13 it.

14 CHAIRMAN HONIGBERG: Who has  
15 questions for the panel from the Subcommittee?

16 [No verbal response]

17 CHAIRMAN HONIGBERG: We have no  
18 questions.

19 Mr. Reimers, do you have any  
20 redirect?

21 MR. REIMERS: I do. I'm trying  
22 to find a particular exhibit. Do you want to  
23 take a break now? Can I have two minutes?

24 CHAIRMAN HONIGBERG: Take two.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 (Discussion off the record)

4 CHAIRMAN HONIGBERG: Ready to  
5 go, Mr. Reimers?

6 MR. REIMERS: I am. Thank you.

7 REDIRECT EXAMINATION

8 BY MR. REIMERS:

9 Q. Mr. Abbott, Counsel for the Public asked you  
10 about a map of yours on Page 4 attached to  
11 your prefiled testimony. Do you recall that?

12 A. (Abbott) Yes.

13 Q. And you had responded that you had obtained  
14 the information, the visual information from  
15 that map from Ms. O'Donnell's report; is that  
16 correct?

17 A. (Abbott) Yes.

18 Q. Am I showing you the map that you looked at?

19 A. (Abbott) Yes, I think this is a map that Ms.  
20 O'Donnell used to identify the municipalities  
21 that would be indirectly affected by views of  
22 the Project, where the community wasn't  
23 directly impacted by the Project itself.

24 Q. Actually, does the red on the upper left-hand

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 corner as shown on the ELMO represent areas  
4 with potential views to the Project?

5 A. (Abbott) Yes.

6 Q. Mr. Abbott, you're not an aesthetics expert,  
7 are you?

8 A. (Abbott) No.

9 Q. Have you been a professional conservationist  
10 of land for more than 30 years?

11 A. (Abbott) I have.

12 Q. Did you state that you have seen personally  
13 from Christine Lake while paddling the  
14 existing towers in the right-of-way?

15 A. (Abbott) Yes.

16 Q. Do you recall when Mr. DeWan testified about  
17 his viewshed simulations that the visibility  
18 shown was "theoretical visibility"?

19 A. (Abbott) I do recall that.

20 Q. So if Mr. DeWan's map viewshed map does not  
21 show visibility from Christine Lake, you  
22 disagree with that?

23 A. (Abbott) I certainly have a personal  
24 experience that would lead me to disagree

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 with that.

4 Q. So you would agree that the lack of  
5 visibility on Christine Lake would be  
6 theoretical?

7 A. (Abbott) Correct.

8 Q. I believe when Attorney Needleman was just  
9 questioning you, he was asking you about Mr.  
10 DeWan, and perhaps T.J. Boyle as well, about  
11 looking at Nash Stream, quote, unquote, as a  
12 whole. How large is the Nash Stream Forest?

13 A. (Abbott) Approximately 40,000 acres.

14 Q. Do you think by looking at a large parcel or  
15 area as a whole averages away visual impacts  
16 to specific viewpoints from that parcel or  
17 area?

18 MR. NEEDLEMAN: Objection. The  
19 witness has testified he's not a visual impact  
20 expert.

21 CHAIRMAN HONIGBERG: Overruled.  
22 I don't think he needs to be a visual impact  
23 expert to answer this question.

24 BY MR. REIMERS:

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. Do you need me to repeat the question, or do  
4 you recall it?

5 A. (Abbott) Please repeat it.

6 Q. Do you think that by looking at a large  
7 parcel or an area as a whole, that that  
8 averages away visual impacts to specific  
9 viewpoints from that parcel or area?

10 A. (Abbott) No.

11 Q. You were asked about a particular easement  
12 that SPNHF acquired in the vicinity of  
13 Coleman State Park. Do you recall that?

14 A. (Abbott) Yes.

15 Q. Okay. And you were asked whether SPNHF's  
16 acquirement of that easement meant that the  
17 Project, Northern Pass, had to move closer to  
18 Little Diamond Pond. Do you recall that?

19 A. (Abbott) I do.

20 Q. Is there anything about SPNHF's acquirement  
21 of that easement that forced the Northern  
22 Pass to propose an overhead route in that  
23 area?

24 A. (Abbott) I don't believe so. You know, the

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Forest Society had been working with the  
4 family that held that easement for ten years.  
5 So, you know, the idea that somehow our  
6 decision to acquire that easement forced the  
7 Project to move, at least from our  
8 perspective, is kind of not rational because  
9 of our own experience having tried to secure  
10 an easement on this property for such a long  
11 period of time.

12 Q. Thank you. I think I inartfully asked my  
13 question.

14 Assuming for the sake of the question  
15 that SPNHF's acquisition of that property  
16 wasn't the cause for the Northern Pass  
17 Project to propose a route in a different  
18 location -- follow me?

19 A. (Abbott) Yes.

20 Q. Is there anything about the Forest Society's  
21 acquisition of that easement that forced  
22 Eversource to propose an overhead design in  
23 the new area they chose?

24 A. (Abbott) No.

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1 [WITNESS PANEL: DIFLEY|ABBOTT]

3 Q. You were asked many questions about Mr.  
4 DeWan's conclusions at any specific place,  
5 and you were asked many questions about T.J.  
6 Boyle's, as well as Mr. Dodson's. Is it your  
7 understanding that Mr. DeWan analyzed  
8 approximately 130 miles of new overhead  
9 transmission lines and found not one instance  
10 of unreasonable adverse effect?

11 A. (Abbott) That's my understanding.

12 MR. REIMERS: I don't have any  
13 further questions. Thank you.

14 CHAIRMAN HONIGBERG: All right.  
15 Thank you. You can return to your seats.

16 We're going to take a  
17 ten-minute break and have new witnesses when  
18 we get back.

19 (Recess was taken at 3:04 p.m.

20 and the hearing resumed at 3:20 p.m.)

21 CHAIRMAN HONIGBERG: Looks like  
22 people are generally back together. Anything  
23 we need to do before this next group of  
24 witnesses is sworn in?

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 [No verbal response]

4 CHAIRMAN HONIGBERG: I didn't  
5 think so.

6 Would you please do the  
7 honors.

8 (WHEREUPON, JEANNE MENARD, JO ANNE  
9 BRADBURY, ERICK BERGLUND, KATHLEEN  
10 BERGLUND, ROBERT COTE, BRUCE ADAMI were  
11 duly sworn and cautioned by the Court  
12 Reporter.)

13 CHAIRMAN HONIGBERG: My  
14 understanding is that Ms. Dore is going to  
15 help you get your prefiled testimony into the  
16 record.

17 DIRECT EXAMINATION

18 BY MS. DORE:

19 Q. Good evening. I'll start with you, Ms.  
20 Menard. Could you please state your full  
21 name for the record.

22 A. (Menard) Jeanne M. Menard.

23 Q. And did you file your prefiled testimony on  
24 November 15, 2016?

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 A. (Menard) That is correct. And then there was  
4 an additional filed on December 30th, also  
5 known as Deerfield Abutters Exhibit No. 5.  
6 And that is known as the corrected testimony,  
7 Deerfield Abutter Exhibit 5.

8 A. (Menard) Correct.

9 Q. And did you file another prefiled testimony  
10 on April 16, 2017?

11 A. (Menard) Yes.

12 Q. And is that marked as Deerfield Abutter 10?

13 A. (Menard) Yes.

14 Q. And did you file another prefiled testimony  
15 on November 15, 2016, and is that marked as  
16 Deerfield Abutter 8?

17 A. (Menard) Yes, on behalf of the Menard Family  
18 Forest.

19 Q. And do you have any corrections or additions  
20 to those prefiled testimonies?

21 A. (Menard) Yes, I do. There is a reference in  
22 my -- actually, I'm going to have to come  
23 back to this correction and cite it for you  
24 exactly.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 Q. Okay. Are you talking about any specific  
4 prefiled testimony? Do you know which one  
5 you're talking about?

6 A. (Menard) I apologize for not being prepared  
7 to answer that question. I will locate --

8 Q. I will get back to you.

9 A. (Menard) Thank you.

10 Q. Mr. Berglund and Ms. Berglund, could you  
11 please identify your full name for the  
12 record.

13 A. (Mr. Berglund) I'm Erick B. Berglund, Jr.

14 A. (Ms. Berglund) Kathleen Berglund.

15 Q. And Mr. and Ms. Berglund, did you file  
16 prefiled testimony on November 15, 2016?

17 A. (Mr. Berglund) We did.

18 A. (Ms. Berglund) Yes.

19 Q. And was it premarked as Deerfield Abutter 36?

20 A. (Ms. Berglund) Correct.

21 A. (Mr. Berglund) Yes.

22 Q. And did you file another prefiled testimony  
23 on December 30th, and was it premarked --

24 A. (Mr. Berglund) Did you say April 17th?

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 Q. December 30th.

4 A. (Ms. Berglund) Yes.

5 Q. And was it premarked as Deerfield Abutter 37?

6 A. (Mr. Berglund) Yes.

7 A. (Ms. Berglund) Yes.

8 Q. And did you file another one on April 17th?

9 A. (Mr. Berglund) Yes, we did.

10 Q. And was it premarked as Deerfield Abutter 39?

11 A. (Ms. Berglund) Yes.

12 Q. And do you have any additions or amendments  
13 to this testimony?

14 Q. (Mr. Berglund) Yes, we do.

15 A. (Ms. Berglund) I do.

16 Q. Okay. Could you please identify which  
17 testimony you have additional amendment to.

18 A. (Mr. Berglund) I didn't hear you.

19 Q. Which testimony are you modifying?

20 A. (Mr. Berglund) November 15th prefiled direct  
21 testimony.

22 Q. As Deerfield Abutter 36?

23 A. (Mr. Berglund) That's right, Deerfield  
24 Abutter 36.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 So, corrections. I have two. On

4 Page 3, next to the last paragraph, the last  
5 sentence should be changed to read

6 "visibility of the transmission lines between  
7 the towers will be an issue throughout the  
8 year."

9 Next one. Okay?

10 Q. What did it read before? It that the whole  
11 sentence you are excluding, or are you just  
12 modifying or striking it, or are you adding  
13 the sentence there?

14 A. (Mr. Berglund) Well, I was saying in the next  
15 to the last paragraph on Page 3, the last  
16 sentence should be changed to read as I just  
17 read. I'll say it again.

18 Q. Okay. That's replacement. Okay. What is  
19 the next change?

20 A. (Mr. Berglund) Next change is also on Page 3,  
21 and it's a change to the last full sentence  
22 on that page. It should read, "The poles are  
23 weathered wood and rusted steel poles and are  
24 not prominent in the scene."

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 Q. Okay. Any other changes?

4 A. (Mr. Berglund) I have additions to this  
5 prefiled testimony.

6 Q. Okay.

7 A. (Mr. Berglund) On Page 1, the answer to the  
8 first question, add to -- sorry. Second  
9 paragraph. "Our home and farm are included  
10 in the Nottingham Road Rural Historic  
11 District?" Okay?

12 Q. Yes.

13 A. (Mr. Berglund) Next page, Page 5, fourth  
14 paragraph, insert the following sentence  
15 before the last sentence of that paragraph:  
16 "Analysis of Southern New Hampshire Planning  
17 Commission data shows that on an annual basis  
18 over 3 million vehicles will pass under  
19 Northern Pass transmission lines in  
20 Deerfield."

21 Q. Okay.

22 A. (Mr. Berglund) Page 5 again, insert the  
23 following sentence at the bottom of the page:  
24 "In 2017, at the town meeting, a warrant

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 article to support the Northern Pass Project  
4 was defeated by a strong majority."

5 And now there's another addition that my  
6 wife has.

7 MS. BERGLUND: Mr. Draper,  
8 could I press you into service?

9 A. (Ms. Berglund) I have an addition to  
10 Deerfield Abutters 36. It's a meeting that  
11 took place at our home in October of 2014,  
12 and it's still pending. It's an open  
13 question. Mr. Draper will put it up for you.  
14 I'll just give you a brief summary.

15 MS. BERGLUND: Is that okay,  
16 Mr. Chair?

17 CHAIRMAN HONIGBERG: What are  
18 you adding to?

19 MS. BERGLUND: I am adding this  
20 to our November 15th --

21 CHAIRMAN HONIGBERG: A new  
22 attachment to that testimony?

23 MS. BERGLUND: Correct. Is  
24 that -- may I continue?

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 BY MS. DORE:

4 Q. Yes.

5 A. (Ms. Berglund) There has been a lot of  
6 discussion about the Applicant's outreach to  
7 communities along the 192 miles, and we  
8 received a letter from Northern Pass offering  
9 to come to our home and talk to us, and if we  
10 had any neighbors who would like to come as  
11 well.

12 Just to summarize, there were a lot of  
13 questions. It was a lengthy meeting, about  
14 an hour and a half. A lot of maps on our  
15 dining room table. Questions came up about  
16 EMF and whether, a very important question  
17 for us, if this should be approved, can other  
18 lines be installed in the same right-of-way.  
19 And all these questions, the representatives,  
20 who were Jim Wagner and Sarah Hoodlet, took  
21 back to their offices and said they would  
22 assemble the information and get back to us.  
23 We tried to make an appointment for a  
24 follow-up right then and there, but they

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 needed more time to assemble the information  
4 for our questions. And after they left, we  
5 did not hear from them. We called them twice  
6 on phone numbers they gave us, left messages,  
7 and we've never heard from them since. And  
8 these are the notes, our notes from that  
9 meeting.

10 Q. Do you have any other supplements or --

11 A. (Ms. Berglund) No.

12 Q. So, Mr. Berglund and Ms. Berglund, as amended  
13 and supplemented, do you submit and swear to  
14 these testimonies as your direct testimony?

15 A. (Ms. Berglund) Yes.

16 A. (Mr. Berglund) Yes.

17 Q. Mr. Cote and Mr. Adami. How do I pronounce  
18 your name?

19 A. (Adami) Adami.

20 Q. Would you please identify your name for the  
21 record.

22 A. (Adami) Bruce A. Adami.

23 A. (Cote) Robert J. Cote.

24 Q. And Mr. Cote and Mr. Adami, did you file

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 prefiled testimony dated November 15, 2016?

4 A. (Cote) Yes.

5 Q. And was it filed as Deerfield Abutter  
6 Exhibit 32?

7 A. (Cote) Yes, and 33.

8 Q. And 33 contains the attachments to that  
9 testimony; is that correct?

10 A. (Cote) Yes.

11 Q. And did you file another prefiled testimony  
12 dated April 17th?

13 A. (Cote) Yes.

14 Q. And was it premarked Deerfield Abutter 34?

15 A. (Cote) It was.

16 Q. It had attachments that were premarked as  
17 Deerfield Abutter 35?

18 A. (Cote) Correct.

19 Q. And do you have any additions or supplements  
20 to those testimonies?

21 A. (Cote) We do not.

22 Q. So do you accept and submit as your testimony  
23 and swear to the testimonies that you  
24 submitted with this Subcommittee?

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 A. (Cote) Yes.

4 A. (Adami) Yes.

5 Q. And Ms. Bradbury, could you please identify  
6 your full name for the record.

7 A. (Bradbury) My full name is Jo Anne Bradbury.

8 Q. And did you file a prefiled testimony with  
9 the Subcommittee?

10 A. (Bradbury) Yes, I did.

11 Q. And was it premarked as Deerfield Abutter 2?

12 A. (Bradbury) Yes, it was.

13 Q. And do you have any additions or amendments  
14 to that testimony?

15 A. (Bradbury) Yes, I have some amendments and  
16 some additions. Let me give you the  
17 amendments.

18 On Page 3, in the last paragraph on the  
19 page, that's the paragraph that starts, "In  
20 order to reach the historic Thurston Pond  
21 dam..." do you see that?

22 Q. Yup.

23 A. (Bradbury) Okay. In the next to last  
24 sentence in that paragraph, I would like to

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 add the word "nearly," so that it reads,  
4 "nearly doubling the height of the towers."

5 Q. Okay.

6 A. (Bradbury) That would make it more accurate.

7 And then on Page 6 --

8 CHAIRMAN HONIGBERG: Ms.

9 Bradbury, hang on. What's the beginning of  
10 the page? The pages aren't numbered.

11 MS. BRADBURY: Beginning of the  
12 page from my print, the words "corridors  
13 between vernal pools..." I'm actually  
14 referring to the second full paragraph on the  
15 page that begins with the words "vernal  
16 pools."

17 CHAIRMAN HONIGBERG: Got it.

18 MS. BRADBURY: "Vernal pools  
19 provide critical fish-free habitat ..."

20 MS. DORE: PDF Document Page 6.

21 A. (Bradbury) So the second sentence should be  
22 removed and replaced with this: "The  
23 Applicants have proposed the placement of an  
24 access road right next to the vernal pool

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 east of Thurston Pond Road."

4 And then on Page 9, in the next to last  
5 paragraph --

6 Q. Starting with? How does it start?

7 A. (Bradbury) Starts with the words, "The town's  
8 emergency response system" --

9 Q. Yup. Okay.

10 A. (Bradbury) -- those numbers were correct at  
11 the time. But as far as numbers of  
12 firefighters and volunteer rescue and the  
13 police, those numbers are in flux, and they  
14 tend to be fluctuating all the time. So I  
15 don't have exact numbers now, but I wanted to  
16 bring -- I wanted to make the correction that  
17 they are fluctuating.

18 Q. Okay.

19 A. (Bradbury) And then finally in the last  
20 paragraph on that page, the paragraph that  
21 begins, "In addition, we have mutual aid" --

22 Q. Which is Page 10 of PDF --

23 CHAIRMAN HONIGBERG: In the  
24 version of the PDF that we have, that's the  
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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 first paragraph on the next page.

4 A. (Bradbury) Okay. The sentence that says,  
5 "the nearest hospitals in Concord  
6 Manchester," there should be a comma after  
7 the word "Concord."

8 Q. Okay.

9 A. (Bradbury) Those are the corrections. Now, I  
10 also have some additions.

11 Q. Okay.

12 A. (Bradbury) I have several items. My  
13 additional testimony relates to orderly  
14 development and environmental impact, and  
15 these certain items became available after  
16 the filing of prefiled testimony and  
17 supplemental testimony.

18 So, starting with this DES "#This is New  
19 Hampshire" card -- I actually have extras of  
20 those. Did I give those to you? We'll mark  
21 as that Deerfield Abutter Exhibit 168(a). It  
22 states, "Put your love for New Hampshire's  
23 environment on the map. Hiking the Trails,  
24 Serene Ponds, Paddle Adventures, Peak Views."

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 And this campaign by the DES seeks input from  
4 residents and visitors -- yes, there it is.  
5 If you go to the web site, you will see some  
6 very beautiful photos of our state with no  
7 industrial towers and high-voltage  
8 transmission lines in them.

9 And my next addition is from the New  
10 Hampshire Division of Travel and Tourism  
11 Development, a part of the department  
12 formerly known as DRED. They have published  
13 an official visitors guide. And we can mark  
14 that as Deerfield Abutters Exhibit No.  
15 168(b). And in that guide they note,  
16 "Country byways, fields and forests, vibrant  
17 towns and peaceful villages await you across  
18 New Hampshire's rich and varied landscape.  
19 Take the Visitors Guide along as you explore  
20 our main streets and back roads, lakes and  
21 mountains, valleys and shoreline. Each  
22 section of our Visitors Guide tells the story  
23 of a different aspect of New Hampshire." And  
24 I have perused that guide a number of times,

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 and I could not find a single photograph of  
4 high-voltage transmission lines in the  
5 publication. Our state agencies are leading  
6 the way in marketing the wild and scenic  
7 beauty of our state.

8 And upholding that tradition, Fish &  
9 Game's continuing message to the public is to  
10 conserve and protect the state's fish,  
11 wildlife and marine resources in their  
12 Wildlines publication. It's a quarterly  
13 newsletter of the Non-Game and Endangered  
14 Wildlife Program. In the summer of -- the  
15 Summer of 2017 Edition, we'll label that as  
16 Deerfield Abutter Exhibit 168(c). And in  
17 fulfilling its mission, Fish & Game is  
18 continuing its extraordinary efforts to  
19 protect the endangered Blanding's turtles.  
20 They have at this time, in a report in their  
21 newsletter, obtained a grant from the U.S.  
22 Fish & Wildlife Service. And they note that  
23 the goal of this new grant is to implement  
24 conservation actions for Blanding's turtles

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 and associated species of greatest  
4 conservation need. And you will see in that  
5 article there's a beautiful Blanding's turtle  
6 there. And it is rare to see one so open and  
7 exposed. They're hard to find.

8 A major focus of the grant will be  
9 providing technical assistance to landowners  
10 and facilitating land protection efforts in  
11 priority landscapes. We heard a lot of  
12 testimony that Blanding's turtles and certain  
13 other species will be located and moved out  
14 of the right-of-way prior to work beginning.  
15 And on the Fish & Game web site you will find  
16 a photograph of a Blanding's turtle in its  
17 natural habit that clearly shows extreme  
18 difficulty in locating Blanding's turtles  
19 that are hidden in plain site. Exposing  
20 these hidden turtles to 200,000-pound  
21 machinery is a recipe for disaster for this  
22 endangered species. The survival of every  
23 adult Blanding's turtle is crucial to the  
24 survival of the species.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 And additionally, Fish & Game's Fall  
4 2017 Wildlines publication, and we'll mark  
5 that as Deerfield Abutter 168(d), describes  
6 efforts to conserve the Monarch butterfly.  
7 Yeah, there it is. Oh, and one actually  
8 landed on one of their volunteer's heads.  
9 But this is about the butterfly. They are  
10 making efforts to conserve the Monarch. And  
11 they noted in this publication, and you'll  
12 see it's underlined, "Nationally, major  
13 Monarch declines have been attributed to  
14 increased herbicide use. This causes direct  
15 mortality and reduces milkweed habitat, which  
16 is required for successful breeding." The  
17 Monarch butterfly has been listed as a  
18 species of greatest conservation need in the  
19 New Hampshire Wildlife Action Plan. The  
20 Eversource web site states that it uses  
21 herbicides as a part of its ongoing  
22 maintenance programs in the right-of-way.

23 These issues that have come to my  
24 attention this summer impact my land. But we

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 can multiply the impact by 192 miles, and the  
4 massive and destructive footprint of the  
5 proposed Northern Pass Project is clear.

6 Q. Okay. Ms. Bradbury, as amended and  
7 supplemented, do you swear to and adopt your  
8 prefiled testimony as your testimony today?

9 A. (Bradstreet) Yes, I do.

10 Q. Okay. Ms. Menard, I'm going to get back to  
11 you. Did you identify the prefiled testimony  
12 you would like to amend?

13 A. (Menard) Yes, thank you. On Page 2 of my  
14 December 30th filing, Question No. 4 --

15 Q. On December 30th, what is the date -- what is  
16 the number of this exhibit?

17 A. (Menard) This is Deerfield Abutter 5.

18 Q. Okay.

19 A. (Menard) I would like to clarify I had  
20 requested that the SEC consider some  
21 Deerfield public comments that were posted to  
22 the docket, and I just wanted to bring  
23 attention to the two that I wanted for that  
24 to happen, and that is the Barry comment and

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 the McKinney comment. And these are two  
4 landowners that I'm referencing in my  
5 testimony of property impacts. And that  
6 would end my correction to my testimony.

7 Q. So, Ms. Menard, as amended and supplemented,  
8 do you adopt your prefiled testimony that was  
9 filed as Deerfield Abutter 5?

10 A. (Menard) I do have direct examination, and  
11 I'm not sure. Is that considered an  
12 amendment to my testimony, or where does that  
13 fall in?

14 CHAIRMAN HONIGBERG: Why don't  
15 you get your prefiled testimony and swear to  
16 that and then do whatever supplemental direct  
17 you need to do of yourself.

18 A. (Menard) Okay. So, yes, I do accept.

19 BY MS. DORE:

20 Q. You do adopt and swear to --

21 A. (Menard) Yes, I do.

22 Q. And Deerfield Abutters 8 and 10 are the two  
23 prefiled testimony. Do you adopt and swear  
24 to --

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 A. (Menard) Yes, I do.

4 Q. -- these testimonies?

5 Okay. And then we have one more  
6 prefiled testimony, and that was filed as a  
7 group. So I'll ask you, do you have a  
8 spokesperson for the group?

9 Okay. Ms. Menard, did you file as a  
10 group testimony of Ms. Bradbury and you, Ms.  
11 Menard, and Mr. Berglund and Ms. Berglund,  
12 Mr. Cote and Mr. Adami, one prefiled  
13 testimony as a group testimony?

14 A. (Menard) Mr. Cote and Mr. Adami were not  
15 participants in the Deerfield Abutter 44.

16 Q. Okay. So, except Mr. Cote and Mr. Adami, did  
17 you file the Deerfield Abutter 44, which is a  
18 group testimony?

19 A. (Menard) Yes.

20 Q. And did you file another group testimony as  
21 Deerfield Abutter 52?

22 A. (Menard) That is correct.

23 Q. And Mr. Cote and Mr. Adami were -- okay. So,  
24 excluding Mr. Cote and Mr. Adami, Ms.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]  
3 Berglund, Mr. Berglund, Ms. Bradbury and you,  
4 Ms. Menard, did you file the group testimony  
5 and premarked it as Exhibit 52?

6 A. (Menard) Yes.

7 A. (Mr. Berglund) Yes.

8 A. (Ms. Berglund) Yes.

9 A. (Bradbury) Yes.

10 Q. Each of you members of the group, do you have  
11 any additions, amendments or supplements to  
12 that testimony?

13 A. (Menard) No, we do not.

14 Q. And do each of you swear and adopt that  
15 testimony as your testimony today?

16 A. (Menard) Yes.

17 A. (Mr. Berglund) I do.

18 A. (Bradbury) I do.

19 A. (Ms. Berglund) Yes, I do.

20 CHAIRMAN HONIGBERG: All right.  
21 Ms. Menard, what else do you need to do? And  
22 so we're clear, what I think you're going to  
23 be doing here is you're going to say I want to  
24 address the following statement or exhibit or  
{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}



1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]  
3 something presented by a particular witness,  
4 and here's what I want to say about it or show  
5 you about it; is that right? Along those  
6 lines. It may have different words associated  
7 with it, but along those lines for each of  
8 these; right?

9 MS. MENARD: That is correct.

10 CHAIRMAN HONIGBERG: Okay.

11 A. (Menard) First of all, I'm feeling very  
12 privileged to be a part of this process. And  
13 the information that I'd like to bring before  
14 the Committee is primarily in response to  
15 Mr. Chalmers' supplemental testimony and my  
16 work. So that is a big part of the basis.  
17 But also, there's -- I have concerns  
18 regarding the methodology of the report and  
19 some of the other information that has come  
20 before the Committee since the filings of our  
21 supplemental testimony and the  
22 cross-examination of the expert witness.

23 So I am here on behalf of my  
24 sister-in-law who lives at 65 Nottingham

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 Road. And that was the basis for much of my  
4 real estate work, because of concerns to her  
5 property, as well as family property that we  
6 own and that is in a conservation easement.  
7 So the Menard Forest is conservation land and  
8 the primary residence of my sister-in-law.

9 So, Mr. Chalmers had conveyed to you on  
10 Day 26 that there were only two bad comps,  
11 and there were two related party sales and a  
12 bad date, and that's it. And that's his  
13 quote on Page 101. And I'd like to point out  
14 a few additional errors for the record, but  
15 also try to take it one more step in terms of  
16 not just looking at a bad comp, but what does  
17 that mean to the report and what does that  
18 mean for property owners.

19 So, for starters, just a quick look  
20 at -- I'd just like to point out a few  
21 errors. And the first one is, just for the  
22 record, Case Study No. 27, and it's a  
23 property in Sugar Hill, 798 New Hampshire  
24 Route 18. And at this property the appraiser

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 did not note the -- did not account for a  
4 Joint Use Agreement, which is for a subject  
5 property and PSNH to allow for a septic  
6 system -- or a leach field to be in the  
7 easement --

8 MR. NEEDLEMAN: Mr. Chair.

9 CHAIRMAN HONIGBERG: Yes, Mr.  
10 Needleman.

11 MR. NEEDLEMAN: Is the document  
12 we're looking at something that was presented  
13 on April 17th, or is this part of original  
14 testimony?

15 CHAIRMAN HONIGBERG: Ms.  
16 Menard.

17 MS. MENARD: This is part of  
18 Mr. Chalmers' report. And I think I have  
19 stated for the Committee the purpose of going  
20 back in the record to remedy the impression --  
21 or the statement of Mr. Chalmers as his  
22 testimony in cross-examination that there's  
23 only two mistakes. That's it.

24 MR. NEEDLEMAN: I'm going to

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 object.

4 CHAIRMAN HONIGBERG: I think  
5 the objection is based on your having access  
6 to this before you filed your own testimony.  
7 So if you knew it was wrong, why isn't it in  
8 your prefiled testimony, a description of the  
9 errors Mr. Chalmers made?

10 MS. MENARD: Strategically, Mr.  
11 Chairman, when I was preparing my testimony, I  
12 was focusing on Deerfield and Allenstown as a  
13 point of reference. And I was under the  
14 impression that during the course of the  
15 proceedings I would be able to cross-examine  
16 other witnesses. And it would have made far  
17 more sense for me to have had this  
18 conversation in the -- let me back up.

19 I do believe that I addressed  
20 my concerns about methodology in my prefiled  
21 testimony. No. 3 on Page 1 I believe is more  
22 general in nature, where I state the purposes  
23 of my testimony as being primarily honing in  
24 on the details of Deerfield with regards to

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 two properties.

4 Quite frankly, if I had taken  
5 the time to have gone through, I don't think  
6 you as a committee would have been very  
7 happy. You know, I didn't feel the need to  
8 be detailing -- I only feel that I am  
9 compelled at this point because Mr. Chalmers  
10 testified that there are only two mistakes in  
11 the record, and that is not a true statement.

12 CHAIRMAN HONIGBERG: All right.  
13 I think that -- Mr. Needleman, you look like  
14 you want to say something else. Was I wrong?

15 MR. NEEDLEMAN: Well, two  
16 points. Again, I think everything we've just  
17 heard confirms what I said and should have  
18 been addressed.

19 And second of all, to the  
20 extent Ms. Menard or anyone believes that  
21 somebody testified about something that was  
22 incorrect, the time to deal with that was on  
23 cross, not now.

24 MS. MENARD: And I was denied.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 I was shut down. And I was told that the  
4 time -- "wait until it's your turn to  
5 testify." And Mr. Chalmers had two and a half  
6 days, and all I'm asking the Committee is for  
7 one hour to bring forward many hours of work  
8 regarding this issue.

9 CHAIRMAN HONIGBERG: Ms.

10 Menard, I do recall telling you that there are  
11 things that if you wanted to testify about,  
12 you would have an opportunity to do that when  
13 you were testifying. I don't recall if your  
14 conversations with Mr. Chalmers fall into that  
15 category. You may be right. I simply don't  
16 remember. Let me finish, please.

17 MS. MENARD: Sorry.

18 CHAIRMAN HONIGBERG: You

19 believe that what you're about to do will show  
20 that Mr. Chalmers was incorrect when he said  
21 that there were only two errors in his report;  
22 is that correct?

23 MS. MENARD: That is correct.

24 CHAIRMAN HONIGBERG: All right.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 For the purpose of doing that, you may  
4 proceed. However, I want to be careful, in  
5 that when you say you made strategic decisions  
6 not to provide certain things you think were  
7 important in your testimony, you run a serious  
8 risk that you'll not be allowed to present  
9 evidence down the line. I understand that you  
10 came into this -- you're not a lawyer. You're  
11 doing this on your own, unrepresented. So  
12 that's a risky statement to make. In the  
13 vernacular, that's "sandbagging." And, you  
14 know, that's not a legal term.

15 MS. MENARD: I don't know what  
16 that means.

17 CHAIRMAN HONIGBERG: But have a  
18 conversation with Mr. Pappas or Mr. Aslin  
19 about the concern.

20 So, for the purpose of what  
21 you want to do right now, which is  
22 demonstrate that you believe Mr. Chalmers was  
23 incorrect, saying something that was not true  
24 when he said there were only two errors, you

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 can proceed with this aspect of your  
4 presentation. I know Mr. Needleman wants to  
5 say something else. But before we get to the  
6 next one, we may need to have another  
7 conversation about the purpose of the next  
8 point you want to make.

9 Mr. Needleman.

10 MR. NEEDLEMAN: Mr. Chair, I  
11 just want to note for the record that this is  
12 unfair for two reasons: One, by proceeding in  
13 this manner, Ms. Menard is depriving Mr.  
14 Chalmers of the chance to react to her  
15 criticisms; and No. 2, Mr. Chalmers is not  
16 here to advise us about how to react to these  
17 criticisms.

18 MS. MENARD: I would like to  
19 address that, if may, if needed.

20 CHAIRMAN HONIGBERG: It's --  
21 well, why don't you put on the record what you  
22 want to say.

23 MS. MENARD: Many of what I'm  
24 bringing forward -- much of what I'm bringing

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 forward today is as a result of my  
4 cross-examination with him, in terms of there  
5 were many channels that I went down and his  
6 answer was an unexpected answer. And so I  
7 think it's unfair for the Applicant to -- he  
8 did have a chance to respond. He responded.  
9 I disagree with his response. But I would  
10 like for you to know what my response is to  
11 some of these issues that we did discuss.

12 CHAIRMAN HONIGBERG: All right.  
13 You've won this argument for now. You don't  
14 need to keep arguing about this element. You  
15 may need to argue about the next one. But  
16 we're going to do this one. And I'll just  
17 remind everyone for the record that the Rules  
18 of Evidence don't exist. We will take this  
19 for what it's worth. We may conclude that  
20 it's not worth much, but we may, in contrast,  
21 think it's very valuable. So why don't you  
22 proceed.

23 MS. MENARD: Thank you.

24 A. (Menard) So, in addition to not disclosing  
{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 about the Joint Use Agreement, the appraiser  
4 did not note that there is a substation in  
5 the viewshed of this particular property, and  
6 those two issues should have accounted for  
7 some of the price impacts for the property.

8 Case study No. 27 -- excuse me -- Case  
9 Study No. 48 in Pembroke has a comp that is  
10 right next door to the subject property, as  
11 evidenced by the address. And we discussed  
12 this briefly with the Pembroke select -- town  
13 administrator. So this comp sale No. 1, as  
14 evidenced by the address, is given the most  
15 weight due to the similarity of location.  
16 This reads, "Sale No. 1 has been given the  
17 most weight given its location." So the  
18 similarity is it's right next to the power  
19 line.

20 So the methodology is very clear in Mr.  
21 Chalmers' report. The whole point, the whole  
22 premise of doing these appraisals is to find  
23 properties that are not influenced by  
24 high-voltage tension lines. So his own

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 methodology is not being followed in this  
4 particular case study as was the case in  
5 Deerfield and Compton(?).

6 Franklin, 76 Lark Street, this is  
7 from -- how are you doing with the exhibits?  
8 I'm not doing a good job in terms of  
9 identifying the -- all of these case studies  
10 are coming from the Applicant's Exhibit 1,  
11 APP 46 from Appendix E. And this is Page  
12 1045.

13 So, in Franklin, again, we have the  
14 subject property, as well as a comp property  
15 on 20 Carr Street.

16 And Deerfield Abutter Exhibit 159(a)  
17 shows the location of the two properties.  
18 This has the right-of-way easement through  
19 it, and here is Comp No. 3. And in doing a  
20 little research, and actually just having  
21 done a site visit, all of the three  
22 properties adjoining this comparable sale are  
23 the complex for the Webster substation in  
24 Franklin.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 And as further evidence of the interest  
4 in utilities for the neighboring use, in  
5 Deerfield Abutter Exhibit 159(c), this  
6 property was acquired totally above-board,  
7 beyond any time period that this was a case  
8 study, but it just goes as evidence of the  
9 high-voltage tension line utility for the  
10 particular area. And I did not believe that  
11 this was an appropriate comp to be using in  
12 this type of research report.

13 One of the things I would just like to  
14 remind the Committee is that the comp sales  
15 abutting -- using the four comps for this  
16 appraisal assignment, the appraisal states in  
17 each and every one of the case studies a  
18 hypothetical condition, and that hypothetical  
19 condition is to isolate the influence of the  
20 HVTL.

21 So we've talked a little bit about -- or  
22 I've raised, or tried to raise in some of my  
23 questioning the incremental impact of the  
24 Project. And this exercise of not discerning

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]  
3 in your selection of appraisal comps  
4 basically invalidates this whole hypothetical  
5 condition.

6 CHAIRMAN HONIGBERG: Ms.  
7 Menard, now you're making an argument.

8 MS. MENARD: Okay. I'll  
9 continue.

10 CHAIRMAN HONIGBERG: You're  
11 asking -- or you're reaching a conclusion  
12 based on something.

13 MS. MENARD: I understand.

14 CHAIRMAN HONIGBERG: Better to  
15 focus on the points you want to make factually  
16 and save your arguments for what you're going  
17 to submit at the end.

18 MS. MENARD: Okay.

19 CHAIRMAN HONIGBERG: I  
20 understand that you're now done with point  
21 one, additional errors by Mr. Chalmers.

22 MS. MENARD: Correct.

23 CHAIRMAN HONIGBERG: Okay. Now  
24 we are on to point two, which is?

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 A. (Menard) In my prefiled testimony on Page 4,  
4 Deerfield Abutter Exhibit 5, I testified that  
5 this project affected both the marketing as  
6 well as the market value of a parcel of land  
7 on Mount Delight in Deerfield. And Mr.  
8 Chalmers provided some supplemental -- or  
9 rebuttal testimony, Applicant Exhibit 104, on  
10 Page 16. And he states that the market data  
11 shows that Deerfield building lots, some  
12 capable of subdivision, sold in the \$40- to  
13 \$60,000 range. And he labeled what he  
14 considers relevant market data, and he  
15 attached it as labeled 7.3. And we discussed  
16 this at length on Day 25 in the morning,  
17 Pages 12 through 17. And I'm very familiar  
18 with these lots.

19 And as Exhibit 160(a), I made a few  
20 edits. And as you recall, we had -- I did  
21 discuss with Mr. Chalmers about the date  
22 changes, concerns about some of the date  
23 changes. But what I've done is I would like  
24 to address this issue of subdividability and

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 these -- there are two lots that would be  
4 considered subdividable in terms of on paper.  
5 However, this first lot was a subdividable  
6 lot that I sold back in 1998, and I do not  
7 consider a 20-year-old sale relevant when you  
8 are discussing current market value.

9 And the other lot on Mr. Chalmers' list  
10 that would be considered subdividable was an  
11 expired listing. So that expired listing  
12 brings no information to the table regarding  
13 market value of subdividable lots.

14 CHAIRMAN HONIGBERG: Does that  
15 wrap up point two?

16 MS. MENARD: I think I had just  
17 one more comment to make.

18 A. (Menard) So, just so that you know, this is  
19 Deerfield Abutter Exhibit 160(b), and this is  
20 all the lots that would have been available  
21 for Mr. Chalmers to review. And I gave him  
22 the benefit of the doubt. He's a researcher.  
23 He likes to go back in time.

24 So, back to 2010. And on this list is  
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3 the subject property, which is the subject of  
4 my testimony. And it is subdividable into  
5 two lots, given the acreage. And the only  
6 other lots that were available at that time  
7 are the ones that I've highlighted down at  
8 the bottom. This is a 46-acre lot, a 32 and  
9 a 42 with -- I don't have to go into the  
10 details. But they're not comparable in terms  
11 of road frontage, two-lot subdivision. So,  
12 once again, I believe that Mr. Chalmers  
13 misrepresented Deerfield's market data in his  
14 testimony and that -- so we'll move on to the  
15 next topic.

16 CHAIRMAN HONIGBERG: And my  
17 understanding is the next topic is additional  
18 comments about methodology.

19 MS. MENARD: Correct.

20 A. (Menard) So this is supplemental testimony  
21 again from Page 16 of Mr. Chalmers. And he  
22 is indicating that -- we are still on the  
23 Mount Delight Road lot. He's indicating the  
24 property sold within a reputable -- excuse  
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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 me -- in a price -- when it got into a  
4 relevant price range, it sold to a reputable  
5 local builder.

6 I'd like to talk a little bit about the  
7 builder. Just coincidentally, he was the  
8 builder of another case study that we had  
9 touched base on in my cross-examination of  
10 Mr. Chalmers. And the Interview section of  
11 Case Study No. 19, 19 Bixby Farm Lane in  
12 Bedford -- and this is Page 479 -- according  
13 to the listing broker, the builder of the  
14 house was motivated to sell the house --

15 MR. NEEDLEMAN: Mr. Chair.

16 CHAIRMAN HONIGBERG: Yes, Mr.  
17 Needleman.

18 MR. NEEDLEMAN: Same objection.  
19 We're now back to stuff that was in the  
20 original report, and this already should have  
21 been addressed.

22 CHAIRMAN HONIGBERG: Tell me  
23 what we're doing here, Ms. Menard, just  
24 quickly, generally. The point you want to

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3 make is?

4 MS. MENARD: The point I'm  
5 trying to make is Mr. Chalmers is indicating  
6 that he's making a point in his rebuttal of  
7 Mount Delight that the fact is a builder comes  
8 along and buys the lot and builds two houses,  
9 all is well. This case study, this is the  
10 same builder. We have an endorsement about  
11 the builder by Mr. Chalmers. And this builder  
12 did not buy this lot. I had a conversation  
13 with the builder, and he chose not to buy this  
14 lot. And he considered this lot to be too  
15 risky to purchase despite the Interview  
16 information which, again, if you recall the  
17 listing broker of this interview had been  
18 credited as saying the lines were not visible  
19 from the house. And I had an exhibit where  
20 she had e-mailed me and said, "No, I didn't  
21 say that." And similarly, this reputable  
22 builder is indicating that he was motivated to  
23 sell the house. And when I did my research on  
24 this development, he bought all but two lots

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 in the subdivision, and the reason he did not  
4 buy this lot was because of the HVTL.

5 CHAIRMAN HONIGBERG: And when  
6 did you do this research?

7 MS. MENARD: I did it this  
8 summer after -- again, a lot of this work is  
9 as a result of the cross-examination with Mr.  
10 Chalmers and needing to button up a few  
11 things.

12 CHAIRMAN HONIGBERG: So, after  
13 Mr. Chalmers --

14 MS. MENARD: So I had not had a  
15 conversation with the builder --

16 CHAIRMAN HONIGBERG: Let me ask  
17 you a question.

18 MS. MENARD: Yes.

19 CHAIRMAN HONIGBERG: After Mr.  
20 Chalmers testified, you followed up to do  
21 additional work to try to respond to the  
22 things he had said in response to your  
23 questions.

24 MS. MENARD: Correct. These

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3 interviews are a mess.

4 CHAIRMAN HONIGBERG: Don't  
5 argue to me right now.

6 MS. MENARD: Sorry.

7 CHAIRMAN HONIGBERG: I'm just  
8 trying to get a fix on what you did and when,  
9 okay. And the information you want to  
10 provide, much of which you have just provided  
11 under oath, is the result of the additional  
12 research that you did.

13 MS. MENARD: That is correct.

14 CHAIRMAN HONIGBERG: If you can  
15 isolate the information without the argument,  
16 it will go quicker and be less objectionable.  
17 Mr. Needleman's objection stands. And I  
18 understand it. I'm going to allow you to do  
19 this to get to -- to allow you to make your  
20 record. So I'm going to allow you to proceed  
21 to make the record and ask that you focus on  
22 the factual information and either let us draw  
23 our own conclusion if it's so obvious or be  
24 prepared to include it in your post-hearing

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]  
3 memos about the significance of it. I mean,  
4 I'll say generally, we haven't let witnesses  
5 make extensive arguments. We asked them to  
6 stick to facts. And right now, your role is  
7 witness providing additional information in  
8 response to testimony that was elicited during  
9 the hearing.

10 MS. MENARD: Thank you, Mr.

11 Chairman.

12 A. (Menard) So the builder of the house was  
13 motivated to sell the house is incorrect.  
14 The broker stated that the house sold below  
15 market value because of the seller's  
16 motivation and not because of the HVTL.  
17 Indirectly, that is not correct either. Can  
18 I argue with myself? No, seriously. If I  
19 ask myself a question, can I argue it, like  
20 in terms of the process?

21 [Audience laughter]

22 CHAIRMAN HONIGBERG: I think  
23 the answer to that is no. Since I'm not a  
24 hundred-percent sure what you mean, I'm not

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 certain I've given you the right answer. But  
4 I think the answer to that is no.

5 MS. MENARD: Okay. I think in  
6 my explanation, if people have further  
7 questions, they can follow-up with me. So  
8 we'll...

9 A. (Menard) A final note on the topic of Mount  
10 Delight Road is a table that addresses this  
11 question: What actions are taken by  
12 builders, developers or sellers to offset  
13 negative effects of HVOETLs [sic]? And this  
14 is a survey of appraisers that is an  
15 attachment to my testimony, No. 13, that  
16 typical response is to lower the price. And  
17 that is exactly what happened at 59 -- excuse  
18 me -- Mount Delight Road.

19 I'd like to talk a little bit about the  
20 methodology. And once again, in Mr.  
21 Chalmers' supplemental testimony, on Page 14  
22 he's asked the question: Are you aware of  
23 any precedent in New Hampshire that supports  
24 the methodology to which you have based your

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3 opinions in this matter?" And he cites the  
4 New England Hydro Phase II Project, and the  
5 author of the report was Mr. Lamprey. And  
6 Deerfield Abutter Exhibit 161 is the cover  
7 sheet of Mr. Lamprey's report. And these  
8 are -- the next few pages are coming from the  
9 PUC Docket DSF 85-155. And I've read the  
10 report, and not just the findings of the  
11 report, in order to explain three differences  
12 between Mr. Lamprey's and Mr. Chalmers'  
13 methodology.

14 And before we talk about the Lamprey  
15 report, this is in response to a question of  
16 Mr. Chalmers as to what to do when there are  
17 only -- oh, this is the quote about the  
18 comps. "There are two appraisals that have a  
19 bad comp in them, and in both of those cases  
20 they happen to be very good comps for both of  
21 those. You pull that out, and it doesn't  
22 change the implications of the appraisal."  
23 This comes from Page 17 of the Lamprey  
24 report. And he's stating, "In almost all

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3 instances, three comparables were used in  
4 analyzing the indicated market value of the  
5 subject property. In only two instances were  
6 less than three comparables used due to the  
7 lack of market data." Mr. Chalmers, on the  
8 other hand, is pulling comps -- or suggesting  
9 the solution to the bad comps is to pull them  
10 from the data, and it is because the  
11 appraisers did not go out -- did not follow  
12 their own methodology and go out and look at  
13 each and every one of the comp sales they  
14 were using in the report. This is what has  
15 created the flawed data. And I think flawed  
16 data is a totally different concept than the  
17 lack of data. Flawed data renders the  
18 appraisal not credible. And two comps  
19 appraisals are certainly not standard in our  
20 industry. You know, if you have an  
21 unusual -- no, I'll stop.

22 At the bottom of Page 17 in the Lamprey  
23 report, there is evidence of more rigorous  
24 analysis that takes into consideration

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 location, area, frontage, lot size, and the  
4 list continues. And he goes on to say on  
5 Page 18 that each comparable sale utilized  
6 was inspected by the appraiser, and a  
7 photograph of each comparable is present in  
8 the report. And if you recall from the  
9 cross-examination of Mr. Chalmers, the  
10 appraisers did not view, go out and view.  
11 They were using MLS photos. And so I believe  
12 that we don't know how many bad comps there  
13 are in the report. There's no way of  
14 knowing, given the fact of -- you know, I've  
15 pointed out a few. But the fact that they  
16 did not go out and visually inspect the comp  
17 sales personally, then that's an unknown.  
18 And I think it's even more serious to think  
19 that the solution is to just pull a comp and  
20 have to redo the full appraisal as a result  
21 of not --

22 CHAIRMAN HONIGBERG: We've  
23 veered into argument again. And actually, you  
24 could probably feel it yourself as you

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 realized I'm no longer describing factual  
4 information. I'm trying to formulate an  
5 argument. So as you slowed down and started  
6 searching for words, that's what I think was  
7 happening. So what's next?

8 A. (Menard) All right. The flaws in the case  
9 study appraisals go beyond just bad comps and  
10 interview issues.

11 I'd like to take a look at Case Study  
12 42, which is 575 Oak Hill Road, Northfield,  
13 and that's Page 1069 of the report.

14 CHAIRMAN HONIGBERG: Mr.  
15 Needleman.

16 MR. NEEDLEMAN: Same objection,  
17 Mr. Chair.

18 CHAIRMAN HONIGBERG: And what  
19 are we doing now, Ms. Menard?

20 MS. MENARD: This is an example  
21 of an appraiser error that in my opinion  
22 matches the concern that I had in the  
23 cross-examination with Mr. Chalmers about the  
24 subdividability of land. We were discussing

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3 the idea that, the fact that there's an  
4 additional lot to be subdivided, I asked him  
5 if he thought it brought value to the  
6 appraisal, and he said no. And we tried -- we  
7 were talking a different language. But we  
8 tried. And this comp -- this case study is a  
9 perfect example of my concern of having land  
10 value not accounted for in the appraisals.

11 CHAIRMAN HONIGBERG: Mr.  
12 Needleman.

13 MR. NEEDLEMAN: And I think  
14 this is exactly what could have and should  
15 have been included in her testimony.

16 MS. MENARD: I had no idea that  
17 a real estate expert would take the position  
18 that having additional land that creates --  
19 that could be created into a subdividable lot  
20 adds no value to the property. That is --

21 CHAIRMAN HONIGBERG: Okay. All  
22 right. I hear you. So what you have in front  
23 of you is an example of such an appraisal.

24 MS. MENARD: Yes. Correct.

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3 CHAIRMAN HONIGBERG: All right.

4 You may proceed to demonstrate that with this  
5 exhibit.

6 MS. MENARD: Thank you.

7 A. (Menard) This is Deerfield Abutter Exhibit  
8 162(a). And this is the listing sheet of the  
9 case study subject property. The listing  
10 broker states clearly in her public remarks  
11 "over 50 acres of land to play on which is  
12 subdividable." The appraiser is stating,  
13 although there's surplus acreage and road  
14 frontage, the position of the improvements  
15 make it financially unfeasible to remove and  
16 subdivide.

17 Deerfield Abutter 162(b) is a Northfield  
18 tax map. And I've outlined the lot in pink,  
19 and this is my addition to the tax map. The  
20 house is located in the far left-hand corner  
21 of the property. So the question is:

22 Where's the improvement that makes this lot  
23 not feasible to subdivide? And so we need to  
24 go to the tax card that was part of this

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3 appraiser's report. And anytime you have  
4 improvements on the property, this is the  
5 location where it would be. And we have a  
6 fireplace and two sheds. Certainly sheds can  
7 be moved if they're not in a place that you  
8 would create a subdivision line. The current  
9 tax card, Northfield did a re-valuation  
10 recently, and they picked up on their  
11 notation a new barn. So, a lack of a  
12 rigorous analysis on the site visit for this  
13 appraisal has already taken value out of the  
14 property.

15 I'd like to take a look at Page 1079.  
16 This is the subject property, and this is  
17 comparable sale No. 1. And the appraiser  
18 traveled quite a ways away to get this comp,  
19 and he did so because he's obviously trying  
20 to match up land acreage. Subject property  
21 has 50 acres, and he's trying to pick up some  
22 land, with additional land. And he actually  
23 makes that statement at the bottom of the  
24 report, "Sales with larger than typical

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3 tracks of land were considered in the sales  
4 approach comparison." And this Comp 1 and 2  
5 are weighted most heavily in his analysis.

6 This comp address, 474 Shackford Corner  
7 Road is in Barnstead. This is the listing  
8 sheet. That is Exhibit 162(d). This  
9 particular property is not subdividable due  
10 to zoning requirements. These are public  
11 remarks. Didn't even have to dig for that  
12 one.

13 And this is the configuration of the  
14 heavily weighted comp sale, Deerfield Exhibit  
15 162(e). And you can see it has 52 feet of  
16 frontage, got a long driveway in.

17 So, because the appraiser had made an  
18 error in assuming improvements that weren't  
19 there when the property was sold, his basis  
20 for determining the lot as not being  
21 subdividable is inaccurate. There are more  
22 appropriate comps to use closer to  
23 Northfield. So this wasn't a case of a lack  
24 of comps. And the land value of the excess

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3 frontage goes unaccounted for as a possible  
4 offset to the HVTL Northern Pass impact. And  
5 I gathered this information from a sit-down  
6 meeting with the listing broker. I went to  
7 the town offices in Northfield and spoke with  
8 the town assessor, and we researched this.  
9 And I also had done a site visit.

10 So, Mr. Chairman, I'm back to the theme  
11 for this particular study. We've been  
12 talking about the residential case studies so  
13 far, and I would like to make two comments  
14 regarding the subdivision studies that I  
15 believe similarly are loose ends with  
16 regards -- as a result of my  
17 cross-examination of Mr. Chalmers.

18 We talked about going back in time, you  
19 know, doing a title search process. And the  
20 whole point of going back in time was to  
21 identify that first developer sale to  
22 somebody who is going to develop the lot.  
23 And he had -- so this is a table from his  
24 subdivision study report on Page 60. And as

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3 you're going to see, he states it summarizes  
4 the eight fair market sales involving the  
5 lots analyzed. And the first lot in his  
6 chart is Lot No. 20, and it sold for \$8500.

7 Deerfield Abutter 157(a). And as you  
8 can see from the deed of this lot -- I'm not  
9 going to take you through all the steps that  
10 I went through in the Allenstown and  
11 Deerfield subdivision studies. But you can  
12 see Sylvester DeMaggio sold to Gene DeMaggio,  
13 and if you do a quick check of genealogy,  
14 they indeed are related.

15 And this is Deerfield Abutter 157(b).  
16 So, similarly, Mr. Chalmers notes that he's  
17 suspicious of Lot 32, and he makes a note  
18 about it. This was probably not a fair  
19 market sale. So he's stating that all eight  
20 are fair market. He does not deny or confirm  
21 whether this is or not. I will represent to  
22 you that both Lot 32, as well as Lot 33, are  
23 similarly not fair market sales. In his  
24 conclusions, he puts out a caveat that says

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 it should be reiterated that in some  
4 conclusions -- that these conclusions -- this  
5 is of all the subdivision studies -- that  
6 these conclusions are in some cases based on  
7 a small number of sales. So, from his chart  
8 of eight, we're now down to five. And I  
9 would like to -- actually, I'd like to move  
10 on.

11 In Whitefield, I'd like to address  
12 another topic that Mr. Chalmers and I  
13 discussed in regards to his analysis of  
14 excess land value to site value. And the  
15 comparison -- he's answering the question  
16 here. This analysis is helping to explain  
17 why there was an absence of price and timing  
18 effects in the Corridor No. 2 subdivision  
19 studies.

20 So, in Whitefield, the assessor site  
21 value is \$35,000. So I took a look at one of  
22 the lots in the subdivision, and I just  
23 picked this lot, Map 214, Lot 11, because it  
24 picks up a fair amount of right-of-way

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 influence. And I pulled the tax card back  
4 from the time period that he was basing his  
5 timing and pricing analysis on, which was in  
6 1985. That whole table at the beginning of  
7 his report is using historical data, and yet  
8 in his summary he did not use his historical  
9 data. And you can see -- and I've got to  
10 catch up on my notes here.

11 MR. NEEDLEMAN: Mr. Chair, same  
12 objection. We're back to the report, and this  
13 sounds different now from what Ms. Menard said  
14 before about speaking to supposed mistakes  
15 that were uncovered on cross.

16 CHAIRMAN HONIGBERG: Yeah, I'm  
17 not sure. Can you give us a preview as to  
18 what this is about?

19 MS. MENARD: This is about  
20 inaccurate data and faulty conclusions.

21 CHAIRMAN HONIGBERG: And it's  
22 based on something in his report or the  
23 supplemental testimony?

24 MS. MENARD: Yes.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 CHAIRMAN HONIGBERG: Which? Do  
4 you remember?

5 MS. MENARD: In  
6 cross-examination.

7 CHAIRMAN HONIGBERG: All right.  
8 So what you're showing here is your work  
9 looking into an example that he included and  
10 testified about.

11 MS. MENARD: That is correct.  
12 And I'm not sure I identified this particular  
13 exhibit, Deerfield Abutter Exhibit 163(a).

14 CHAIRMAN HONIGBERG: All right.  
15 You can proceed.

16 MS. MENARD: Thank you.

17 CHAIRMAN HONIGBERG: Hang on.  
18 Mr. Needleman?

19 MR. NEEDLEMAN: I think  
20 everything we're talking about was already the  
21 subject of Ms. Menard's cross, so I'm lost as  
22 to why we're going over it again.

23 CHAIRMAN HONIGBERG: Ms.  
24 Menard.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 MS. MENARD: Mr. Needleman is  
4 correct in one way, in that I pointed out the  
5 same scenario that he did in Deerfield by  
6 using historical data, and it's not an  
7 apples-to-apples comparison, and yet he  
8 offered no change to his conclusions. And I  
9 believe that, again, this is kind of bridging  
10 two topics that he should have accounted for  
11 this analysis, which is not at all relevant to  
12 the purpose of his subdivision studies, and  
13 that's marketing and pricing, timing and  
14 pricing. So, what does 2015 data, which is  
15 incorrect -- his data for 2015 is not correct.  
16 How can you draw any conclusions?

17 CHAIRMAN HONIGBERG: Okay.  
18 That's an argument about things that you  
19 haven't shown us, or at least haven't  
20 explained, so we don't quite understand what  
21 that meant. The document that was up that  
22 you've pulled away, the one under your left  
23 hand, that one, what is this document again?

24 MS. MENARD: This is the 1987

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3 tax card for the lot that I have selected for  
4 Mr. Chalmers' subdivision.

5 CHAIRMAN HONIGBERG: Right.

6 And what does it show?

7 MS. MENARD: What it shows is  
8 that the land value for the frontage is 550 --  
9 \$5,050. And the back land -- actually, this  
10 is the front land. And the back land value is  
11 \$3,400.

12 CHAIRMAN HONIGBERG: And did  
13 Mr. Chalmers use this document?

14 MS. MENARD: No.

15 CHAIRMAN HONIGBERG: And you  
16 went out and said we need to look at this --

17 MS. MENARD: He should have  
18 used this --

19 CHAIRMAN HONIGBERG: Let me  
20 finish. I'm just trying to get why you think  
21 this is important. It's important because you  
22 think he should have used it. You went out  
23 and found it, so here it is.

24 MS. MENARD: Correct.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 CHAIRMAN HONIGBERG: Okay. Mr.  
4 Needleman.

5 MR. NEEDLEMAN: And I didn't  
6 hear anything tying that to something in his  
7 supplemental testimony. And, again, I want to  
8 note Ms. Menard seems to be the only person in  
9 this whole docket who got to cross-examine a  
10 witness, not necessarily get what she wanted  
11 out that cross-examination, and now come back  
12 and subsequently make offers of proof  
13 regarding that examination that the witness  
14 has no opportunity to respond to.

15 CHAIRMAN HONIGBERG: I don't  
16 know if I agree with that, Mr. Needleman. I  
17 don't know that it's a fair characterization.  
18 I do know that Ms. Menard attempted to ask Mr.  
19 Chalmers a number of questions about a number  
20 of topics. And rather than allow her to do  
21 that with statements that weren't in the  
22 record and representations, we said if you  
23 want to testify about this, you should testify  
24 about it when you're under oath. I can't, as

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3 I sit here, recall if each of these topics  
4 falls within that, within that area. But for  
5 the limited purposes that I think we've  
6 established with her, I'm going to let her  
7 continue to make her points using the  
8 documents that she's collected.

9 MS. MENARD: Thank you.

10 A. (Menard) So the land value for this lot  
11 today -- and this is Deerfield Exhibit  
12 163(b) -- is \$14,300. And if we take a look  
13 at Mr. Chalmers' chart, he's suggesting site  
14 value, \$35,000. And we have an extremely,  
15 extremely diminished excess land to site  
16 value ratio; .3 percent is what he's  
17 suggesting. And he's suggesting that because  
18 the front land has a lot of value compared to  
19 the diminished value of the rear, that  
20 explains why there is no price or timing  
21 effects. However, the site value for that  
22 particular lot is \$14,000 today; back then it  
23 was \$8,450, and the percentages was a 67  
24 percent to 33 percent ratio. So we've got

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3 different ratios going on here not relevant  
4 to, in my opinion.

5 So I believe I've got two more topics.  
6 I thank you for your patience.

7 Once again, supplemental testimony, and  
8 Mr. Chalmers is rebutting some of my comments  
9 regarding 39 Haynes Road. And he states this  
10 sale was the subject of Case Study No. 50  
11 which presented appraisal, marketing time and  
12 assessment evidence suggesting no adverse  
13 effect of the HVTL on the transaction.

14 Actually, I skipped over a few topics I'm  
15 going to come back to.

16 The appraisal evidence -- so, in  
17 response to Mr. Chalmers' comments, the  
18 appraisal evidence we did discuss in detail  
19 under cross-examination, and the methodology  
20 again failed to identify some of the property  
21 amenities that should have been noted in the  
22 appraisal input. And if you recall, the  
23 interview evidence in the appraisal was -- I  
24 felt that the interview data falsely stated

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 what I have represented. As far as his  
4 statement of assessment evidence, I'm not  
5 aware of any information either in his  
6 report, his testimony or his supplemental  
7 testimony where he is offering any assessment  
8 evidence suggesting adverse effect on this  
9 transaction. It may be in there somewhere,  
10 but I'm just letting you know that I'm not  
11 seeing any assessment evidence.

12 Marketing time. We had a discussion  
13 about the fact that there are many properties  
14 along this right-of-way that the marketing  
15 time was adjusted by or potentially accounted  
16 for by properly pricing the property. If you  
17 know you have a property, you know you have  
18 some challenges in marketing that property,  
19 you don't mess around; you price it well to  
20 get it sold. And so the fact that he's using  
21 a days-on-market analysis in his conclusion  
22 tables as evidence is not a true  
23 representation of what I believe is how the  
24 landowner or property owner addressed the

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 adverse effect of the HVTL.

4 You may recall this particular property,  
5 39 Haynes Road, received a possible ranking  
6 in four of the four categories. And from the  
7 cross-examination, we learned that that means  
8 that there is conflicting evidence and no way  
9 to resolve it.

10 One of the things that I found  
11 noteworthy is that in Corridor No. 1, which  
12 is an existing corridor with no Northern Pass  
13 influence, there were only four possible  
14 ratings in all of the 24 case studies. In  
15 Corridor 2 case studies, there were 16  
16 possible ratings, and this property received  
17 four of them.

18 So, what's different about the two  
19 corridors? One obvious difference, and  
20 possible, I cannot verify. I'm suggesting  
21 that one possible, logical difference is that  
22 Northern Pass Transmission is a project that  
23 is creating conflicting evidence and possible  
24 impact.

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3 Mr. Quinlan had introduced the Northern  
4 Pass Transmission Guarantee Program overview.  
5 This is Attachment L to his testimony. And  
6 it must have been supplemental because this  
7 was a topic that we addressed in  
8 cross-examination. And I have just a few  
9 concerns about this program.

10 A 30-day right of first refusal clause,  
11 which is stated in Section No. 4, is  
12 problematic for any seller. It can serve as  
13 an impediment to buyers who may otherwise  
14 consider making an offer. The opt-out clause  
15 of \$1500 as a payment for signing a lease  
16 could easily be used up in hiring an attorney  
17 to review the Eversource documents. And I'm  
18 very concerned about the whole concept of a  
19 landowner signing something in exchange for  
20 not ever disputing property value, diminution  
21 in value. I'm not sure what that would look  
22 like in a deed.

23 No. 3, or lastly, even if this program  
24 was equitable, and I have lots of reasons why

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3 I don't believe it is, some people are not in  
4 a position to sell within five years. And so  
5 I believe the Project would create  
6 devaluation to their property immediately.  
7 And if they're not selling, there would be no  
8 compensation.

9 And lastly... no exhibits can be found.  
10 So, 41 Haynes Road. In Mr. Chalmers'  
11 testimony, he's stating -- and this is on  
12 Page 16, Line 8 -- 41 Haynes Road was  
13 actively marketed over the period from 2011  
14 to 2015. This is an incorrect statement.  
15 The property came off the market in 2011.  
16 And there's Deerfield Abutter Exhibit 126  
17 that shows that.

18 He is also not -- he did not recognize  
19 the fact that this property was an expired  
20 listing in 2011. So I had an exhibit here  
21 somewhere that showed in his response to my  
22 testimony he produced a relevant list of  
23 sales. And the property sold at \$275,000,  
24 and he brought his comparable sales up to

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3 \$280,000, where on his chart he indicated  
4 that he looked at properties up to \$325,000.  
5 And his response of not having -- you know,  
6 that this property sold within a relevant  
7 price range, it was not a fair range for him  
8 to be viewing.

9 And lastly, he does say that the market  
10 resistance associated with the extended  
11 marketing period may have been partly due to  
12 the right-of-way easement. No mention of  
13 Northern Pass impact. And I added Deerfield  
14 Abutter 127 which shows that Northern Pass  
15 was the reason, according to the landowner,  
16 that they could not sell their house.

17 So, the sale price analysis that Mr.  
18 Chalmers did does not apply on two counts:  
19 One, the property was purchased by a utility,  
20 and it renders it a non-arm's-length sale;  
21 and I believe that similarly his evidence  
22 that he put forward showing that it did --  
23 that it was marketed and it did sell in an  
24 appropriate price range is incorrect.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 So the bottom line here this afternoon  
4 is -- can I give a bottom line?

5 CHAIRMAN HONIGBERG: Ah, it  
6 sounds like a summation. It sounds like a  
7 final argument. And final arguments aren't  
8 really what we're doing right now.

9 MS. MENARD: Okay. Got it. So  
10 thank you very much.

11 CHAIRMAN HONIGBERG: All right.  
12 Let's get an indication of who has questions  
13 for this panel off the record.

14 (Discussion off the record)

15 CHAIRMAN HONIGBERG: Ms. Crane,  
16 I understand there's a witness who is sick.

17 MS. CRANE: Mr. Gray, part of  
18 the Ashland to Deerfield Non-Abutters Group,  
19 is sick and unable to travel and be part of  
20 the panel tomorrow. He has asked me to ask  
21 you if he is -- if he can participate through  
22 a telephone connection. I apologize. I did  
23 not have a chance to look up to see what the  
24 proper procedure for this kind of an emergency

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 motion might be and so I jumped in. If you  
4 want to tell me to just do something by  
5 e-mail, I'll be happy to.

6 CHAIRMAN HONIGBERG: Well,  
7 let's talk about it. Have you spoken with the  
8 others? Have you spoken with Mr. Needleman  
9 and Mr. Pappas?

10 MS. CRANE: I spoke with  
11 Counsel for the Public, and they had no  
12 objection. I spoke with Mr. Needleman, he  
13 also indicated he didn't think he had an  
14 objection.

15 CHAIRMAN HONIGBERG: I  
16 understand also that the technology is  
17 possible here. It's been tested and worked  
18 okay, but not great. Is that information that  
19 I got correct, Mr. Needleman?

20 MR. NEEDLEMAN: Yeah, we had a  
21 witness appear by phone in the Antrim  
22 proceeding, and it seemed to worked okay most  
23 of the time. I realize that's not overly  
24 assuring, but trying to be accurate.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 CHAIRMAN HONIGBERG: Mr.

4 Reimers.

5 MR. REIMERS: I would agree  
6 with Barry that it seemed to work okay some of  
7 the time.

8 CHAIRMAN HONIGBERG: Ms.

9 Bradbury.

10 MS. BRADBURY: We're off the  
11 record; right?

12 CHAIRMAN HONIGBERG: No, we're  
13 on the record.

14 MS. BRADBURY: Well, I'm  
15 concerned about the weather forecast and  
16 treacherous travel. Has that been addressed  
17 at all?

18 CHAIRMAN HONIGBERG: We're  
19 going to deal with that next, okay.

20 MS. BRADBURY: Okay.

21 CHAIRMAN HONIGBERG: Ms. Pacik.

22 MS. PACIK: If we could, we  
23 could just FaceTime it and then just Apple TV  
24 it up. Might be easiest that way.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 CHAIRMAN HONIGBERG: There's a  
4 lot to be said for the technology. I guess  
5 before we went with that, Ms. Pacik, I'd like  
6 someone to test it and see that it's going to  
7 work.

8 MS. CRANE: And I believe he  
9 needs to have an Apple-friendly device to have  
10 it work, which I don't know.

11 CHAIRMAN HONIGBERG: As long as  
12 it seems like there's no objection to having  
13 Mr. Gray appear telephonically, or better if  
14 that technology can be arranged, but that  
15 means people are going to have to do a little  
16 bit of work between now and tomorrow  
17 afternoon, assuming that that's all going to  
18 happen as planned. So, yeah, if you can  
19 arrange his appearance electronically, seeing  
20 as there is no objection, we'll allow that.

21 MS. CRANE: Thank you.

22 CHAIRMAN HONIGBERG: Ms.  
23 Bradbury, the weather is whatever the weather  
24 is. I think Ms. Monroe has been working on

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 rearranging the schedule somewhat so that we  
4 don't have witnesses from the North Country  
5 tomorrow, that we arranged for folks who are  
6 closer to Concord, Ms. Crane's group and I  
7 think --

8 Ms. Monroe, was it another  
9 Deerfield group?

10 MS. MONROE: It would be the  
11 Deerfield Abutters, which I think we'll need  
12 to finish with them. And Mr. Robertson and  
13 Ms. Hartnett are from Deerfield. They're  
14 representing the town, so they would be a  
15 panel. And I spoke briefly with Ms. Crane  
16 regarding her group being here, as well as I  
17 believe Lise Moran with the Town of  
18 Whitefield. She has a specific area that her  
19 prefiled testimony relates to, the historic  
20 society. And she lives out of town. Ms.  
21 Fillmore, is that correct? And she has  
22 traveled here so she could be available  
23 tomorrow, too.

24 CHAIRMAN HONIGBERG: It sounds

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 like we have people who are relatively close  
4 to Concord and can get here, which is what we  
5 need. The forecast, you know, who knows. The  
6 forecast at this point shows snow up north,  
7 snow starting here and changing over to rain.  
8 And if that's what we get, then it's okay.

9 Mr. Whitley.

10 MR. WHITLEY: Mr. Chair, I just  
11 wanted to know if the weather report changed  
12 and caused the Committee or Ms. Monroe to need  
13 to postpone the hearing, when that decision  
14 might be made and how it might be communicated  
15 to everyone.

16 CHAIRMAN HONIGBERG: In terms  
17 of the latter part of that, I think Ms. Monroe  
18 has the ability to get a blast e-mail out to  
19 everyone. As long as everyone has access to  
20 e-mail, then that word will get out. As to  
21 when, I mean, it's hard to say. But I think a  
22 "go/no-go" decision would probably need to be  
23 made by midmorning for a 1:00 start.

24 MR. WHITLEY: Okay. Thank you.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 CHAIRMAN HONIGBERG: It's also  
4 possible, Mr. Whitley, and everyone else, that  
5 we might delay an hour and start at 2:00. And  
6 if we do that, we'll probably plan on going a  
7 little a later than we otherwise would.  
8 Everybody can enjoy that.

9 All right. Any other  
10 questions about scheduling?

11 [No verbal response]

12 CHAIRMAN HONIGBERG: All right.  
13 Mr. Cote, you have what I believe you said was  
14 brief supplemental direct?

15 MR. COTE: I think it's the  
16 best way to get this subject onto the record,  
17 and it's a follow-up of an exchange I had with  
18 the construction panel when they were here as  
19 witnesses.

20 And Dawn, could I have Apple  
21 Play for a minute?

22 A. (Cote) So what I'd like to follow up on is  
23 the discussion with the construction panel.

24 And this thread actually starts up near the

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 top of the page. But it's regarding a  
4 segment of the transmission line project in  
5 Deerfield. And there were -- depending on  
6 which side of the poles you looked at,  
7 whether it's the relocated 115 kV line or  
8 whether you looked at the cross-section that  
9 was associated with the Northern Pass line,  
10 they showed either lattice or monopoles for  
11 Northern Pass and eight or nine poles in the  
12 Deerfield segment. So it was not clear what  
13 the actual intent was. I did get -- as you  
14 can see here, they say it should be  
15 monopoles. But the question was if the  
16 figures would ever actually be updated so  
17 that they didn't have conflicting  
18 information. And you can see at the bottom  
19 of the page I asked if the plans are going to  
20 be corrected. And the response on the next  
21 page is, yes, they will, so the set that's  
22 about to come out in a week or so, that this  
23 discrepancy will be updated in that set. So  
24 a new set plans of was issued in August. And

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 this is the area that was in question. And  
4 it's the Northern Pass poles between 291 and,  
5 I believe, 297 where the conflict is. And if  
6 you go to the schematic, what you see here is  
7 two different cross-sections, one showing a  
8 monopole and one showing a lattice structure.  
9 And that table has in fact not been updated.  
10 So if you go to adjacent poles at the same  
11 location, depending on whether you're looking  
12 at the schematic associated with the 115 kV  
13 line or the Northern Pass line, there's still  
14 a discrepancy about what type of structure is  
15 actually there. So we don't actually have  
16 something in the record that describes the  
17 intention for that area.

18 CHAIRMAN HONIGBERG: Anything  
19 else?

20 MR. COTE: That's all I have.

21 CHAIRMAN HONIGBERG: Mr.  
22 Pappas.

23 MR. PAPPAS: Before I begin,  
24 could you just tell us what page you were on

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 the map? You went very quickly.

4 MR. COTE: It's Sheet 178.

5 MR. PAPPAS: Thank you.

6 CROSS-EXAMINATION

7 BY MR. PAPPAS:

8 Q. Good afternoon. As you all know, I'm Tom  
9 Pappas, counsel to Counsel for the Public.  
10 Let me start by asking the panel, and I think  
11 most of you touched upon this subject, so  
12 whoever is most appropriate to answer. And  
13 I'm going to ask about the environmental  
14 concerns you raised, and specifically the  
15 Project's impact on Blanding's turtles. And  
16 perhaps Ms. Bradbury, who showed a nice  
17 picture, you're able to answer these  
18 questions.

19 A. (Bradbury) I will do my best.

20 Q. Does everybody have something on the screen  
21 in front of them?

22 A. (Bradbury) Yes, there is.

23 Q. This is a copy of Counsel for the Public 635,  
24 which is in the panel's testimony. And this

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 shows a section of the right-of-way through  
4 Deerfield.

5 And if you look closely, Mr. and Mrs.  
6 Berglund, it shows your property, I believe,  
7 on 210-34. Do you see your names to the  
8 right?

9 A. (Ms. Berglund) Yes.

10 Q. And then also some other of your property  
11 which is 210-33. Do you see that?

12 A. (Mr. Berglund) Yes.

13 Q. Okay. And if you look also in the yellow  
14 hashed area in the middle, it says  
15 "Blanding's turtle." Do you see that?

16 A. (Mr. Berglund) Yes.

17 Q. That's to indicate that this is an area known  
18 for having Blanding's turtles. So your  
19 testimony includes statements that these  
20 turtles travel between upland areas and areas  
21 of wetlands; correct?

22 A. (Mr. Berglund) Yes.

23 A. (Bradbury) Yes.

24 Q. So my question, first perhaps to you Mr. and

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 Mrs. Berglund, have you seen any Blanding's  
4 turtles on your property?

5 A. (Mr. Berglund) Yes.

6 Q. You have?

7 A. (Mr. Berglund) Yes.

8 Q. How often do you see them?

9 A. (Mr. Berglund) Well, it's happened every  
10 other year or so. The one that comes to mind  
11 is the one that was walking on Nottingham  
12 Road, which is quite a distance from the  
13 wetland, and this is common for Blanding's  
14 turtles to be that far away.

15 Q. Give me a sense of -- and I know it's hard to  
16 perhaps tell whether you're seeing the same  
17 turtle twice or a different turtle. But give  
18 me a sense. Do you have any sense of perhaps  
19 how many Blanding's turtles there are in your  
20 area?

21 A. (Mr. Berglund) I have no idea.

22 A. (Ms. Berglund) No.

23 Q. Okay. Fair enough. Let me ask the rest of  
24 the panel members if any of you have seen

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 Blanding's turtles in your property or at  
4 least in your area.

5 A. (Cote) Yes. This is Mr. Cote. We have seen  
6 them maybe once every couple of years. They  
7 nest up in the vicinity of our house. So we  
8 would see what would be presumably females  
9 around the May, June time frame.

10 Q. Okay. Ms. Bradbury, have you seen any  
11 Blanding's turtles in your area?

12 A. (Bradbury) In my area, but not on my land.

13 Q. But in your area?

14 A. (Bradbury) Yeah. I don't believe I'm  
15 supposed to say where I saw them exactly.

16 Q. Okay.

17 A. (Bradbury) I mean, that's confidential;  
18 right? I mean, isn't that... I've been told  
19 not to say.

20 Q. I think if you say you've seen them in your  
21 area, that's sufficient.

22 A. (Bradbury) Okay.

23 Q. Ms. Menard, have you seen any in your area?

24 A. (Menard) Yes, I have seen them in my area

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 just once. And what I haven't seen are the  
4 hatchlings. And with regards to the  
5 population sizes, in our prefiled testimony  
6 we filed a report that was a status report of  
7 all the New England states, and they did  
8 population studies of 100. And so I  
9 contacted Fish & Game. I was curious to know  
10 if 100 was an average population size for  
11 this area. I had questioned the Applicant's  
12 expert that very same question, Ms. Barnum,  
13 and she wasn't aware of the population size.  
14 But Fish & Game had indicated 50 is typical.  
15 If your geographic area is hosting a healthy  
16 population, 50 would be a good number as a  
17 basis.

18 Q. Did I hear you correctly that you were told  
19 that there are 100 in the Deerfield area?

20 A. (Menard) No. The population models were  
21 based on 100 that we had discussed in the  
22 cross-examination of the environmental panel.

23 Q. Okay.

24 A. (Bradbury) Can I add something?

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 Q. You may.

4 A. (Bradbury) My biggest concern is the ones I  
5 haven't seen because they are very hard to  
6 see. If you look on the Fish & Game web  
7 site, it is -- even with the picture and the  
8 arrow it's hard to detect, so...

9 Q. What's on the screen now is Counsel for the  
10 Public's Exhibit 633 checkcheck, which is  
11 also included in your prefiled testimony, and  
12 it is captioned "Blanding's Turtle Photograph  
13 on Deerfield Abutter Intervenor Property."

14 Do you see that?

15 A. (Bradbury) Yes.

16 A. (Ms. Berglund) Yes.

17 Q. Did any of you take this picture?

18 A. (Cote) I did.

19 Q. Okay. When did you take the picture?

20 A. (Cote) I would guess that photo is perhaps  
21 six years ago.

22 Q. Okay. Ms. Bradbury, you anticipated my next  
23 question, which was going to be you've all  
24 testified that you've seen Blanding's turtles

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 in your various areas. Correct me if I'm  
4 wrong, but your properties cover a good deal  
5 of the area where the line would go through  
6 Deerfield; am I correct? In other words,  
7 you're not all in the same area. You're in  
8 different areas?

9 A. (Ms. Berglund) Correct.

10 A. (Menard) Excuse me, Mr. Pappas. The  
11 Berglunds, Cote, Adami and the Menard Forest  
12 are abutting properties; whereas, Ms.  
13 Bradbury is on the more westerly side of  
14 town.

15 Q. Okay. But combined, your properties cover a  
16 good section of where the line goes through  
17 Deerfield; am I correct?

18 A. (Menard) Yes.

19 Q. Thank you. Okay.

20 Now, I take it that your concern with  
21 the Blanding's turtles is that the  
22 construction activity will have an  
23 unreasonable impact on the turtle population  
24 in Deerfield. Is that your concern?

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 A. (Bradbury) That's true. And I'm also  
4 concerned about the wood turtles which also  
5 are a species of concern.

6 Q. Okay. Has anybody from the Northern Pass  
7 Project contacted any of you to discuss their  
8 proposed Best Management Practices intended  
9 to be used to avoid or minimize impact on the  
10 Blanding's turtles? Has anybody on the panel  
11 been contacted?

12 A. (Mr. Berglund) Not here.

13 Q. Anybody else?

14 A. (Bradbury) I've got a file full of letters  
15 I've received from them. I don't recall any  
16 specific reference to Blanding's.

17 Q. Okay. Mr. Cote?

18 A. (Cote) I don't recall any communication on  
19 that subject.

20 Q. Ms. Menard?

21 A. (Menard) No.

22 Q. Now, in your prefiled testimony you talk  
23 about Best Management Practices for  
24 Blanding's turtles and your concerns. Did

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3 each of you -- were each of you here when Ms.  
4 Carbonneau and Ms. Barnum testified?

5 A. (Menard) Yes.

6 Q. Mr. Berglund, were you here?

7 A. (Mr. Berglund) I didn't hear.

8 Q. Were you here when Lee Carbonneau and Sarah  
9 Barnum testified?

10 A. (Mr. Berglund) I'm not sure that I was.

11 Q. Okay. Mr. Cote?

12 A. (Cote) Yes.

13 Q. Starting with Mr. Cote, did Ms. Carbonneau's  
14 or Ms. Barnum's testimony about the Project's  
15 proposed BMPs for Blanding's turtles satisfy  
16 your concerns?

17 A. (Cote) I would have to answer no because it  
18 seemed like we were getting conflicting  
19 information on when the construction would  
20 take place, whether it would be winter  
21 activity or summer activity, and so the  
22 turtles would likely be in much different  
23 locations, including possibly under ice in  
24 the wetlands. And so I don't think I got a

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3 good sense. And I believe Ms. Barnum even  
4 said something to the effect that we may lose  
5 a few Blanding's turtles in the process. I'm  
6 not a biologist, so I don't know what the  
7 effect of that would be on the population.  
8 But I just find it a little bit concerning.

9 Q. Okay. Ms. Bradbury and Ms. Menard, did Ms.  
10 Carbonneau's and Ms. Barnum's testimony  
11 satisfy your concerns about BMPs for  
12 Blanding's turtles?

13 A. (Bradbury) No. I'm concerned about them. My  
14 recollection is that there will be people who  
15 will try to sweep the area before the  
16 construction and pick them up and move them  
17 out of harm's way. And as I mentioned  
18 earlier, they're very, very hard to see. You  
19 can be standing next to one and miss it.

20 Also, as far as fencing them out, I  
21 believe there was some testimony as to  
22 fencing certain species out of the area where  
23 the construction will be. And I believe Ms.  
24 Barnum -- I believe it was Ms. Barnum --

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3 confirmed they might actually fence some in.

4 Q. Ms. Menard, were your concerns satisfied?

5 A. (Menard) Definitely not.

6 Q. Okay. Thank you. You --

7 A. (Menard) Do you want to know why?

8 Q. Go ahead.

9 A. (Menard) I believe that Eversource is on a  
10 learning curve with regards to Best  
11 Management Practices for endangered species,  
12 and I think the evidence of that is pretty  
13 clear. We've seen a progression of  
14 information coming forward, starting at  
15 technical sessions where we were  
16 requesting -- you know, having been told  
17 that, you know, we're going to do Best  
18 Management Practices, we've always done Best  
19 Management Practices, we requested a  
20 handbook. Well, show us what your basis is.  
21 Show us what you're doing today. And they  
22 were not able to produce it. Well, it's  
23 being worked on, it's being worked on. And  
24 there's been -- and they have been working on  
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3 it. But the evidence -- I mean, what we have  
4 today to know about this project and what  
5 they're going to do with Best Management  
6 Practices with endangered species, it is  
7 still conflicting information.

8 If you look at Appendix H, which  
9 outlines minimization, avoidance measures,  
10 there's information about Blanding's turtles  
11 that does not match some of the Northern Pass  
12 documents of what they say, one of which was  
13 an example that we brought forward in our  
14 cross-examination of one of the witnesses  
15 regarding handling the species, who was going  
16 to handle the species. There's conflicting  
17 information still. So there's information  
18 out there. That does not give us confidence  
19 that they, A, are going to follow the Best  
20 Management Practices that they've outlined;  
21 and B, that they understand, you know,  
22 exactly what the success rates of these  
23 protocols are. I don't think they've been  
24 tested here in New Hampshire. And we're

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3 moving in the right direction, but we don't  
4 want the species to be impacted.

5 Q. Thank you.

6 Mr. and Mrs. Berglund, let me turn to  
7 you and ask some questions about your  
8 prefiled testimony and your property.

9 Now, you state in your prefiled  
10 testimony that your property is under the  
11 protection of a federal wetland reserve  
12 program. Do you recall that?

13 A. (Mr. Berglund) Yes.

14 Q. Did you go through a process to get into that  
15 program?

16 A. (Mr. Berglund) Go through a process? Yes, we  
17 did.

18 Q. And did your land have to meet certain  
19 requirements to get accepted in the program?

20 A. (Mr. Berglund) Yes, it did.

21 Q. Briefly, could you tell us what those  
22 requirements were?

23 A. (Mr. Berglund) Well, in the name, "wetland  
24 reserve program" that gives you a clue. We

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3 have quite a bit of wetland on our property,  
4 and there's a high level of the wildlife  
5 activity that we have. We have upland. We  
6 have wetland. We have forest. We have  
7 fields. And that together was very high --  
8 they do a comparison of various lands that  
9 are going to be considered for this. And  
10 this is through the county and Cooperative  
11 Extension. And then they rate based on the  
12 quality of the attributes they look for, and  
13 we ended up in the high end of things.

14 Q. Okay. Thank you.

15 What's on the screen now in front of you  
16 is a portion -- is a page from Applicant's  
17 Exhibit 200, Bates Stamp 67707.

18 Mr. and Mrs. Berglund, tell me if I'm  
19 correct about the location of your property  
20 on this map. Now, first is 210-40 where you  
21 see the buildings. Do you own that property?

22 A. (Mr. Berglund) Trying to see where that  
23 number is. Is that the top of the --

24 Q. No, it's to the left, the bottom, where you

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3 see the structure.

4 A. (Mr. Berglund) It's a bit blurry.

5 Q. It is a bit blurry. Tell you what. Let me  
6 approach and give you a better copy. Use  
7 this.

8 A. (Mr. Berglund) Okay. Thank you. The number  
9 again was?

10 Q. Let me ask it this way: Why don't you tell  
11 us which numbers correspond with your  
12 property.

13 A. (Mr. Berglund) Okay. Let me start with  
14 210-34. And going above that, 210-33, 210 --  
15 there's a couple of 210-33s. There's three  
16 of them. Okay. And then 210-33, if you go  
17 up to the right, that small triangle is about  
18 a 20-acre piece that fronts on Nottingham  
19 Road and is mostly forested.

20 Q. Does that now identify all of your property  
21 that's shown on this map?

22 A. (Mr. Berglund) I'm sorry. I didn't --

23 Q. Do you own any other property that's shown on  
24 this map other than the two parcels you just

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3 identified?

4 A. (Mr. Berglund) No.

5 Q. Okay. Now, your prefiled testimony indicated  
6 that the right-of-way is about 800 feet from  
7 your house. Do you recall that?

8 A. (Mr. Berglund) That's correct.

9 Q. Where is your house?

10 A. (Mr. Berglund) It's in the -- see the 210-33  
11 at the very top left of the middle?

12 Q. Yes.

13 A. (Mr. Berglund) Well, if you went above that,  
14 that's the one-acre parcel -- well, maybe  
15 it's a two-acre parcel. Our house is above  
16 that on Nottingham Road.

17 Q. Now, as I understand it, currently there are  
18 two transmission lines in the right-of-way  
19 through your property; correct?

20 A. (Mr. Berglund) Correct.

21 Q. And they're on wooden towers; is that right?

22 A. (Mr. Berglund) Wooden, and also there's a  
23 rusted steel metal.

24 Q. And they're in the 75- to 85-foot range?

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3 A. (Mr. Berglund) Yes, that's right.

4 Q. Now, your property also contains 25 acres of  
5 wetlands; is that right?

6 A. (Mr. Berglund) That's correct.

7 Q. And looking at this, is the wetlands, which  
8 is 210-33, is that the property that contains  
9 your wetlands?

10 A. (Mr. Berglund) Yes. There's three of those  
11 with those numbers, but it's the large one  
12 that looks like an L shape upside down.

13 Q. Right in the middle of the --

14 A. (Mr. Berglund) Right.

15 Q. And am I correct that the right-of-way in  
16 your area contains 5.3 acres of wetlands?

17 A. (Mr. Berglund) That's what I understood  
18 from --

19 CHAIRMAN HONIGBERG: Hang on,  
20 hang on, Mr. Berglund.

21 MR. NEEDLEMAN: It sounds like  
22 we're just repeating and elaborating on  
23 prefiled testimony here.

24 MR. PAPPAS: What I'm trying to

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3 do is quickly get to a point where I can ask  
4 my questions. I think necessarily some setup  
5 is required, and that's what I'm doing.

6 CHAIRMAN HONIGBERG: You may  
7 proceed, understanding this is all just setup  
8 that you're doing as quickly as you can.

9 MR. PAPPAS: That's exactly  
10 what I'm doing.

11 BY MR. PAPPAS:

12 Q. Okay. Now, Mr. Berglund, would I be correct  
13 in saying that the work in the right-of-way  
14 on your property is going to consist of  
15 removing the existing transmission line,  
16 relocating the existing transmission line and  
17 then erecting the new Northern Pass  
18 transmission line? Correct?

19 A. (Mr. Berglund) That's correct. You're  
20 speaking of the G146 line, which is the  
21 southern line. That's the one going to be  
22 removed, then replaced north of that spot,  
23 and then Northern Pass would be built.

24 Q. And looking at this map as proposed, you can  
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3 see the squares that are the crane pad. And  
4 you can see three of them; correct?

5 A. (Mr. Berglund) Yes.

6 Q. And they show on the first one on the left  
7 some wetlands. You can tell by designation.  
8 And then there's wetlands all along the  
9 access road to the next crane pad, which is  
10 all within wetlands, and then some more  
11 wetlands on the access road until you get to  
12 the third crane pad, and that has wetlands as  
13 well; correct?

14 A. (Mr. Berglund) That's correct.

15 Q. All right. So what I want to do is ask you a  
16 few questions about your past experience  
17 regarding some work that was done in 2014  
18 which you talk about in your prefiled  
19 testimony, keeping in mind that we just went  
20 over what will be done if Northern Pass is  
21 built through your property. Okay?

22 A. (Mr. Berglund) Okay.

23 Q. All right. Now, your prefiled testimony  
24 talked about work in 2014. Do you recall

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3 that?

4 A. (Mr. Berglund) I'm trying to recall that  
5 right now.

6 Q. Okay. Well, in your prefiled testimony you  
7 said that the utility rebuilt some towers in  
8 the right-of-way on your property.

9 (Witness reviews document.)

10 A. (Mr. Berglund) Can you direct me to where I  
11 said that or where we wrote... is this the  
12 November 15th prefiled testimony?

13 Q. If you look at your November 15th prefiled  
14 testimony, on Page 2, the last paragraph  
15 where it begins, "If the Northern Pass  
16 Transmission line is built..." do you see  
17 that paragraph?

18 A. (Mr. Berglund) Yes.

19 Q. Skip down to the sentence that starts, "The  
20 shifting of the G146 transmission line will  
21 require the removal of that line..." do you  
22 see that?

23 A. (Mr. Berglund) Yes.

24 Q. You then go on to describe major disruptions

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3 will occur. Do you see that?

4 A. (Mr. Berglund) Yeah.

5 Q. Okay. And if you turn the page, on the next  
6 page, Page 3, in that first paragraph, if you  
7 look at that, you talk about severe damage to  
8 your hay field during that relocation of the  
9 G146 kV line. Do you see that, and then the  
10 D118 kV line in 2014?

11 A. (Mr. Berglund) Yes.

12 Q. Okay. That's what I'm referring to is the  
13 prior work done on your property when --

14 A. (Mr. Berglund) Okay.

15 Q. Okay. Do you recall how long that work took?  
16 How long were they doing construction?

17 A. (Mr. Berglund) Well, the G146 is the one I  
18 remember most clearly, and that was a re-  
19 stringing of the conductor from the  
20 substation going east to west. And there was  
21 an accident there and -- so, I mean, the work  
22 there was a couple of weeks, I believe, but  
23 it may have been extended because of the  
24 accident. The 2014, I don't recall how long

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3 that was. I think it was fairly mild  
4 compared to the previous one.

5 Q. Okay. During either of those construction  
6 activities, did the utility have to construct  
7 an access road to do the work?

8 A. (Mr. Berglund) Well, they had to get across  
9 the wetland or, you know, along the  
10 right-of-way. And so I'm not -- I don't  
11 remember exactly. I don't recall a road  
12 being built. I know there was through the  
13 wetland.

14 Q. Okay. Prior to that work being done, did the  
15 utility reach out to you to talk to you about  
16 the work they were going to do on your  
17 property?

18 A. (Ms. Berglund) Absolutely not. It was when I  
19 was in the garden that I noticed many trucks  
20 going down the cow lane to the field. I had  
21 no idea. There were three or four pickup  
22 trucks, and then I walked up there to find  
23 out what was going on and saw a helicopter  
24 landing in the hay field. But there was no

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3 notice whatsoever.

4 Q. The helicopter landed in your hay field?

5 A. (Ms. Berglund) Correct.

6 Q. Okay. So, attached to your prefiled  
7 testimony are some pictures of damage during  
8 that work.

9 A. (Mr. Berglund) Yes.

10 Q. And the first picture in your prefiled  
11 testimony is Counsel for the Public's  
12 Exhibit 636. Do you see that?

13 A. (Ms. Berglund) Yes.

14 A. (Mr. Berglund) Yes, I do.

15 Q. Is that a sign that's posted on your  
16 property?

17 A. (Mr. Berglund) Yes, it is.

18 Q. Is that a requirement of the program you're  
19 in?

20 A. (Mr. Berglund) No, it's not. In fact, that  
21 was my own choice because I wanted people to  
22 be aware of what was going on here and use  
23 common sense, in terms of it's open for the  
24 public to use, you know, to visit, but I

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 don't want people walking through a hay  
4 field. I'd like them to go around. So, to  
5 be aware of wildlife, be careful.

6 Q. Okay. On the screen now is the second page  
7 of Counsel for the Public's 636, which is  
8 also a picture that was attached to your  
9 prefiled testimony. Do you see that?

10 A. (Mr. Berglund) Yes, I do.

11 Q. Do you recall which of the two projects this  
12 picture relates to?

13 A. (Mr. Berglund) Yes. This is 2003.

14 Q. Okay. And is this the incident you were  
15 referring to?

16 A. (Mr. Berglund) Yes.

17 Q. What's on the screen now is Page 3 of Counsel  
18 for the Public's Exhibit 636, which is also a  
19 picture attached to your prefiled testimony.  
20 Do you recognize this picture?

21 A. (Mr. Berglund) Yes, I do.

22 Q. Now, if you look at this picture, do you see  
23 any damage that was done during the  
24 construction?

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3 A. (Mr. Berglund) Yes, I do.

4 Q. Could you describe that for the Committee?

5 A. (Mr. Berglund) Well, below on the right of  
6 the middle lower part, you'll see there's a  
7 wetland there, of course. And you'll see a  
8 lot of activity that looks like it was messed  
9 up and people were walking through it. Well,  
10 that's actually tracked vehicles that went  
11 across there. They also went -- I'm not sure  
12 if there's a... you can't see it, but it went  
13 from the point of these poles around to the  
14 left. And basically when this pole came  
15 down, that was the accident. They were  
16 pulling the line through. It caused people  
17 to drive directly to it and track vehicles.  
18 And subsequently the helicopter showed up  
19 from headquarters to see what was going on.  
20 You'll see there's people on the other side  
21 in the wetland, actually near the beaver  
22 house I think. So that was -- did I answer  
23 your question?

24 Q. Yes, you did. Thank you.

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 So what's on the screen now is Page 4 of  
4 Counsel for the Public's Exhibit 636, which  
5 was also attached to your prefiled testimony.  
6 And what we see are tracks from a vehicle, a  
7 construction vehicle; correct?

8 A. (Mr. Berglund) Yes.

9 Q. And was this done as part of one of those two  
10 work jobs?

11 A. (Mr. Berglund) Yes, this was 2003.

12 Q. Okay. And this was done during that work,  
13 during that 2003 work?

14 A. (Mr. Berglund) Yes, as follow-up to the  
15 accident.

16 Q. Okay. What's on the screen now is the next  
17 page of Counsel for the Public Exhibit 636.  
18 And is this also a depiction of damage done  
19 to the wetlands during one of those two  
20 utility jobs?

21 A. (Mr. Berglund) Yes, this is back to 2003.  
22 And what we're looking at here is the results  
23 of a tracked vehicle driving through the  
24 wetland.

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3 Q. Okay. Go to the next one. What's on the  
4 screen now is the next page of Counsel for  
5 the Public Exhibit 636. And again, is this a  
6 depiction of some damage done during that  
7 work?

8 A. (Mr. Berglund) Yes, it is. This is what I  
9 described before. The tracks went around to  
10 the left to get to the fallen pole, and I  
11 think this is the track left.

12 Q. What's on the screen now is the last page of  
13 Counsel for the Public Exhibit 636 which was  
14 also attached to your prefiled testimony. Is  
15 this a depiction of some damage done during  
16 that construction job?

17 A. (Mr. Berglund) Yes. This is the bottom of a  
18 cow lane that goes into that field. And they  
19 brought tracked vehicles down. They drove  
20 them down. And it was after a muddy, rainy  
21 season, and of course left this picture.

22 Q. Now, you can see here sort of a stone wall  
23 and a gate. Do you see that?

24 A. (Mr. Berglund) Yes.

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3 Q. Is that the gate to enter into your hay  
4 field?

5 A. (Mr. Berglund) Yes.

6 Q. And where does one go if you were going to  
7 drive in the direction of the picture? Where  
8 is this picture taken from? Give us some  
9 context.

10 A. (Mr. Berglund) Oh, this picture is taken,  
11 well, just maybe 50 feet, you know, off the  
12 opening to the hay field. And then if we  
13 drove through the gate and went up a little  
14 bit, you would see that sign that we had in  
15 the first picture, wildlife preserve.

16 Q. So what's on the screen now is a page from  
17 Applicant's Exhibit 200, Bates Stamp 67707,  
18 which you have in front of you. Do you have  
19 it in front of you?

20 A. (Mr. Berglund) Yes, I do.

21 Q. And do you see the open area in the middle?  
22 Is that your field?

23 A. (Mr. Berglund) Yes, it is.

24 Q. Okay. And the picture we just saw a moment

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3 ago was the entrance to your field; is that  
4 right?

5 A. (Mr. Berglund) Yes. It's in the -- it's on  
6 the north -- well, the upper point of that  
7 field, you know, where it comes together with  
8 the other three, four parcels, that's the  
9 entrance into that field.

10 Q. Okay. And then we see on the right what we  
11 saw before is the wetlands area to the right  
12 of the field?

13 A. (Mr. Berglund) Yes.

14 Q. Okay. And this shows where the construction  
15 is proposed to take place in the right-of-way  
16 through your property; correct?

17 A. (Mr. Berglund) Yes.

18 Q. Now, has anybody from the Northern Pass  
19 Project reached out to you to talk to you  
20 about their proposed work in the right-of-way  
21 that goes through your property?

22 A. (Mr. Berglund) You mean for this project,  
23 Northern Pass?

24 Q. Correct, for this project.

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3 A. (Mr. Berglund) I don't recall anybody coming  
4 out. Oh, well, I'm sorry. We did have -- we  
5 did have a visitation in 2014, October. And  
6 we had a couple folks, neighbors, who were  
7 involved in this process as well, and we had  
8 a lot of questions. They were interested in  
9 hearing what we had questions for, promised  
10 to get back to us, and we're still waiting.

11 Q. Okay. Would I be correct in saying that,  
12 based on your past experience with the  
13 utilities work on the right-of-way through  
14 your property that we just reviewed, you do  
15 have concerns about the utility's proposed  
16 work on the Northern Pass Project in the  
17 right-of-way that goes through your property?

18 A. (Mr. Berglund) I have major concerns.

19 Q. All right. And just for the sake of time,  
20 are your concerns damage to the wetlands and  
21 similar things that we saw in the prior  
22 pictures?

23 A. (Mr. Berglund) Well, it's damage to the open  
24 space, but in particular the wetlands. And

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3 just talked about Blanding's turtles before,  
4 and that's a major part -- it's going to  
5 be -- I don't think it's going to survive.  
6 This wetland has a chance of just going down  
7 because we're doing three operations with the  
8 lines: Taking G146 out, replacing it after  
9 moving it over, and then putting the Northern  
10 Pass transmission line in.

11 Just another point on that. This whole  
12 wetland depends on the beaver dam, which is  
13 in the lower part of that, you know, towards  
14 the middle. And that is what's keeping this  
15 together. We have beavers in this pond.  
16 They go up to mine their wood, if you will,  
17 in the upper part of the wetland on our  
18 property, which will be blocked by the  
19 proposed 500-foot path which we see here  
20 between the two crane pads. And I'm very  
21 concerned for that, too, because if the  
22 beavers are gone, the dam will be out, and  
23 forget it, we're gone, we're done.

24 Q. So is it your concern that the beavers can't  
{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 cross what we see to be the access road  
4 through the wetlands area?

5 A. (Mr. Berglund) They can't cross in that area,  
6 right. As I understand it, it's not a  
7 floating platform.

8 Q. Mr. and Mrs. Berglund, let me also ask you  
9 questions about your prefiled testimony  
10 regarding visual impact to you.

11 Now, as I understand it, currently in  
12 the summer you can see the tops of the  
13 existing transmission line; is that correct?

14 A. (Ms. Berglund) Yes.

15 Q. Okay. And --

16 A. (Mr. Berglund) Well, let me just add to that.

17 Q. Sure.

18 A. (Mr. Berglund) In the summer it's the best  
19 time. The leaves are on and we can just  
20 barely see it. It's really -- we've been  
21 waiting for this time to come. Trees have  
22 grown up, and it's coming into a very nice  
23 view.

24 Q. And you've included some pictures that

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 demonstrate the view from across your field  
4 and what you can see in summer. And in  
5 winter you can see some more of the existing  
6 line; is that correct?

7 A. (Mr. Berglund) Oh, it's very visible in the  
8 winter because the leaves are off and also  
9 the pole is roughly -- the middle of that  
10 field is the high point. And it's a 75-foot  
11 pole today, which will be replaced or --  
12 well, another one will be in there. Northern  
13 Pass will be about 125 feet. So we'll  
14 definitely see that.

15 Q. Okay. Now, am I correct that your concern is  
16 that in the Northern Pass Project, first the  
17 relocated line will be taller than it is  
18 today? Is that right?

19 A. (Mr. Berglund) As I understand it, yes.

20 Q. And the Northern Pass line will be taller  
21 than the existing line today; correct?

22 A. (Mr. Berglund) Yes.

23 Q. And if you look at the map on the screen, or  
24 you have it in front of you, it looks like

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 there will be two towers placed in your hay  
4 field; is that right?

5 A. (Mr. Berglund) Yes. I believe they're  
6 monopoles.

7 Q. Okay. And would I be correct in saying that  
8 that's at sort of the top of a ridge? In  
9 other words, if you look at the -- and it's  
10 very hard to read. But if you look at the  
11 topography and the elevations, it looks like  
12 that's a high point where the tower is going  
13 to go; correct?

14 A. (Mr. Berglund) Yes, it is.

15 Q. Okay. So would I be correct in saying that  
16 the Northern Pass Project, you will not only  
17 have a greater view of the relocated line,  
18 but you'll then have even more significant or  
19 greater view of the new Northern Pass towers  
20 because they'll be taller and they're going  
21 to be on a ridge? Is that fair to say?

22 A. (Mr. Berglund) Yes, it is.

23 Q. So would I be correct in saying that that is  
24 the basis for your view that the Northern

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}



1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 Pass Project, which involves relocating the  
4 existing line and putting in new transmission  
5 towers and a new line, in your opinion, is  
6 unreasonably adverse visually?

7 A. (Mr. Berglund) I think it is, yes.

8 Q. All right. Go off the record for one minute.

9 (Discussion off the record.)

10 BY MR. PAPPAS:

11 Q. Ms. Bradbury, let me ask you a few questions.  
12 Now, your prefiled testimony talked about  
13 environmental impacts that you raised. Do  
14 you recall that?

15 A. (Bradbury) Yes.

16 Q. Okay. What's on the screen in front of you  
17 now is Sheet 175 from Applicant's Exhibit  
18 201, Bates Stamp 68109. Do you see that?

19 A. (Bradbury) I do.

20 Q. Okay. And would I be correct in saying that  
21 your property on this map is -- first, see  
22 the number 9653?

23 A. (Bradbury) Yes, I do.

24 Q. Is that your property?

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 A. (Bradbury) Yes, it is.

4 Q. And if you look next to it, you have 9653.01.  
5 Is that also your property?

6 A. (Bradbury) Yes, it is.

7 Q. So this shows where the transmission line is  
8 going to go through those two parcels that  
9 you own; is that right?

10 A. (Bradbury) That's correct.

11 Q. Okay. And tell us where your house is  
12 located in relation to the transmission line.

13 A. (Bradbury) Yes. If you follow Thurston Pond  
14 Road all the way down to the bottom of the  
15 page, you will see where Ridge Road comes in  
16 from the right. My house is right there at  
17 that intersection of Thurston Pond Road and  
18 Ridge Road, across Ridge Road.

19 Q. Okay. Now, in your prefiled testimony, you  
20 state that one of the top three highest  
21 quality vernal pools is located on your  
22 property. Do you recall that?

23 A. (Bradbury) I do.

24 Q. Tell us where that is on this map.

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 A. (Bradbury) If you look right where the  
4 right-of-way comes through on the skinny,  
5 narrow piece that I own on the right side of  
6 Thurston Pond Road on this map, you will see  
7 there is a vernal pool right there. And it  
8 is not entirely on my land. Some of it is  
9 also on my neighbor's land.

10 Q. Okay. Now, you state that this vernal pool  
11 will be impacted and likely destroyed by  
12 Northern Pass. Do you recall that?

13 A. (Bradbury) I do recall it.

14 Q. Describe for us how you think it will be  
15 impacted and likely destroyed.

16 A. (Bradbury) Well, they have --

17 MR. NEEDLEMAN: Objection.  
18 This is just repetition of testimony that's  
19 already in the record.

20 MR. PAPPAS: Well, actually,  
21 it's not, because she testified that it would  
22 be impacted and likely destroyed, but she  
23 didn't tell us why she thinks that. So I'm  
24 asking the basis of her opinion.

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 CHAIRMAN HONIGBERG: Let's  
4 look. Mr. Pappas, what page of her testimony  
5 are you looking at?

6 MR. PAPPAS: Okay. Let's see.  
7 On the second page of her testimony. And you  
8 look at the paragraph that begins, "Although I  
9 plan to retire here..." do you see that  
10 paragraph?

11 CHAIRMAN HONIGBERG: Not yet.  
12 Yeah, I got it.

13 MR. PAPPAS: Okay.  
14 A. (Bradbury) I think you're referring to the  
15 paragraph, the second paragraph under the  
16 heading "High-quality vernal pool in the  
17 right-of-way east of Thurston Pond Road," and  
18 I believe that's on Page 5 of my print.

19 CHAIRMAN HONIGBERG: I see on  
20 Page 5 that heading. So your question is  
21 what's her basis for the statement in the  
22 second paragraph under "High-quality vernal  
23 pool in the right-of-way east of Thurston Pond  
24 Road."

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 MR. PAPPAS: Yes. Correct.

4 Her statement, yes, exactly that second  
5 paragraph. She says, quote --

6 CHAIRMAN HONIGBERG: Yeah, we  
7 got it.

8 What's the basis for that  
9 statement, Ms. Bradbury?

10 MS. BRADBURY: The basis for  
11 the statement is the New Hampshire Wildlife  
12 Action Plan refers to the importance of vernal  
13 pools and the importance of keeping heavy  
14 equipment out of the entire vernal pool basin.  
15 And that recommendation also appears in what  
16 was formerly known as DRED, their "Good  
17 Forestry in the Granite State." They  
18 recommend also keeping heavy equipment out of  
19 the entire vernal pool basin, and they  
20 actually recommend a 200-foot buffer from the  
21 edge of the pool. And the access road will be  
22 very, very close to the edge of that vernal  
23 pool on the... let's see... that's east, west.  
24 That would be... on the south side, yes. Do

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 you see where I'm talking about? In fact,  
4 I've got a picture of the access road, a  
5 better one than this. This doesn't show the  
6 access road. The map that's up, or the  
7 satellite view that's up doesn't show the  
8 access road. But I have a picture of it from  
9 the...

10 CHAIRMAN HONIGBERG: I think  
11 the answer has been given, Mr. Pappas. You  
12 can move on to your next question.

13 MR. PAPPAS: I will. Thank  
14 you.

15 BY MR. PAPPAS:

16 Q. Ms. Bradbury, are you concerned that the  
17 possible destruction of this vernal pool will  
18 adversely impact the Blanding's turtles that  
19 you testified about earlier?

20 A. (Bradbury) I'm very concerned about that. I  
21 don't think they'll find them all. I don't  
22 even think they'll find any, but -- they're  
23 elusive. Everything that we have read that  
24 has been provided to us by Fish & Game and in  
{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 the DRED publication about good forestry  
4 confirms that they are -- they use these  
5 areas both for not only for nesting, but in  
6 traveling through from one wetland to  
7 another. They're out there.

8 Q. Okay. Thank you.

9 Mr. Cote and Mr. Adami, let me turn to  
10 you and ask you a few questions in the few  
11 moments I have left.

12 Now, you testified that the Northern  
13 Pass Project is not in the public interest.  
14 Am I correct that one of the reasons you  
15 believe the Project is not in the public  
16 interest is because you believe the  
17 transmission line should be buried? Is that  
18 right?

19 A. (Cote) I would say that's a fact. Aesthetics  
20 is a big concern.

21 Q. Yeah. No, I said just one of the reasons.

22 Okay. And your testimony contains some  
23 methods to calculate the cost to bury the  
24 transmission line; is that correct?

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 A. (Cote) I did a crude estimate, yes.

4 Q. Okay. What's on the screen now is Counsel  
5 for the Public 646, which is a press release  
6 from Hydro-Quebec. Do you see that?

7 A. (Cote) Yes, I do.

8 Q. Okay. And I'll just represent to you, to  
9 save some time, that in this press release  
10 Hydro-Quebec states that it will bury -- it  
11 will now bury 11 miles of the transmission  
12 line in Canada, starting at the border in  
13 Pittsburg and going into Canada for 11 miles,  
14 at a cost of \$60 million Canadian. Are you  
15 familiar with that?

16 A. (Cote) I've heard of that, yes.

17 Q. And the press release goes on to say that the  
18 Project is still profitable if they do that.

19 My question is: Have you considered  
20 that piece of evidence or that fact when you  
21 did your evaluations that's in your prefiled  
22 testimony about the cost to bury it? Because  
23 your prefiled testimony contains different  
24 methods that you used to value or to describe

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 the cost to bury the line, and I'm wondering  
4 whether or not you have included this or  
5 thought about this since, because this is a  
6 very recent press release.

7 A. (Cote) I have not gone back and tried to do a  
8 re-analysis with this information.

9 Q. Okay. Thank you.

10 Your prefiled testimony also indicates  
11 that, in your opinion, the economic benefits  
12 of the Project are overstated. Do you recall  
13 that?

14 A. (Cote) Yes.

15 Q. And you testified that one reason you believe  
16 the economic benefits are overstated is  
17 because the Applicant's economic model used  
18 estimates of PV growth rates that are too  
19 low. Do you recall that?

20 A. (Cote) I do.

21 Q. Now, do you have -- in your analysis of that,  
22 did you determine an order of magnitude or  
23 some amount that you think the economic  
24 benefits are overstated because of that

{SEC 2015-06} [DAY 65 AFTERNOON SESSION] {12-11-17}

1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 reason?

4 A. (Cote) Well, I think that it's reasonable to  
5 assume, or depending which projections you  
6 look at, you could construe that PV growth  
7 over the next five years or so would be very  
8 close to taking off 1,000 megawatts off the  
9 peak load projections that ISO-New England  
10 has. And I think there's been some other  
11 witnesses here who have testified to the -- I  
12 mean, obviously there's disagreement about  
13 how fast PV will grow. But I think if PV had  
14 that same magnitude of new energy into the  
15 New England market, I have difficulty  
16 understanding why that wouldn't have the same  
17 impact, especially on the Forward Capacity  
18 Market that the Applicant is projecting for  
19 Northern Pass.

20 Q. Okay. Well, I was going to ask you about  
21 that, because your prefiled testimony  
22 indicates that the Applicant's economic model  
23 assumes that other resources are not coming  
24 online as fast as evidenced, as you believe

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 they're coming online. Do you recall that?

4 A. (Cote) Yes.

5 Q. And you testified that you believe  
6 locally-based suppliers in the Renewable  
7 Energy Market can reduce the demand in the  
8 Forward Capacity Market. Do you recall that?

9 A. (Cote) Yes.

10 Q. What were you referring to when you said  
11 "locally-based suppliers"?

12 A. (Cote) Well, there's a range of options. You  
13 could have commercial PV and installations,  
14 which might be somebody who had bid into the  
15 Forward Capacity Market. There might be  
16 smaller installations that sell their PV  
17 power into the market without going through  
18 the Forward Capacity Market. And then  
19 there's behind-the-meter residential and  
20 industrial sites where PV is being installed  
21 mostly for on-site use.

22 Q. Okay. So would I be correct in saying that,  
23 in your opinion, there are other sources of  
24 energy, and there's PV growth and so forth

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 that would provide essentially the same  
4 benefits as the Northern Pass Project?

5 A. (Cote) Well, I'm not a market expert. But if  
6 you put the same amount of energy in from a  
7 different source, I have a little bit of  
8 difficulty understanding why the benefit  
9 wouldn't be similar.

10 MR. PAPPAS: Okay. Mr.

11 Chairman, let me suggest this is a good place  
12 to stop before I dive into the next topic.

13 CHAIRMAN HONIGBERG: Fair  
14 enough. We will adjourn for the day and  
15 resume at 1:00 tomorrow morning unless some  
16 weather decision needs to be made --

17 UNKNOWN SPEAKER: I hope not.

18 CHAIRMAN HONIGBERG: I'm sorry.  
19 What did I say?

20 UNKNOWN SPEAKER: 1:00 a.m.

21 CHAIRMAN HONIGBERG: Oh, that  
22 would be bad. 1:00 tomorrow afternoon. 1300  
23 hours. How's that?

24

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI ]

3 (Whereupon the Day 65 Afternoon

4 Session was adjourned at 6:09

5 p.m., with Day 66 hearing to resume

6 on December 12, 2017

7 commencing at 1:00 p.m.)

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1 [MENARD | BRADBURY | E.BERGLUND | K.BERGLUND | COTE | ADAMI]

3 C E R T I F I C A T E

4 I, Susan J. Robidas, a Licensed  
5 Shorthand Court Reporter and Notary Public  
6 of the State of New Hampshire, do hereby  
7 certify that the foregoing is a true and  
8 accurate transcript of my stenographic  
9 notes of these proceedings taken at the  
10 place and on the date hereinbefore set  
11 forth, to the best of my skill and ability  
12 under the conditions present at the time.

13 I further certify that I am neither  
14 attorney or counsel for, nor related to or  
15 employed by any of the parties to the  
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17 relative or employee of any attorney or  
18 counsel employed in this case, nor am I  
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