

I N D E X

WITNESS	JOHN PETROFSKY	PAGE NO.
Direct Examination by Mr. Baker		5
Cross-Examination by Mr. Pappas		15
Cross-Examination by Ms. Pastoriza		34
Cross-Examination by Mr. Wagner		52
Cross-Examination by Ms. More		56
Cross-Examination by Ms. Schibanoff		65
Cross-Examination by Mr. Walker		67
Redirect Examination by Mr. Baker		83

**QUESTIONS FROM SUBCOMMITTEE
MEMBERS & SEC COUNSEL BY:**

Mr. Way 80

Dir. Wright 80

WITNESS PANEL	RODERICK MOORE	PAGE NO.
	DAVID SCHRIER	
Direct Examination by Mr. Baker		98
Cross-Examination by Mr. Aslin		105

I N D E X (continued)

WITNESS PANEL	JEANNE MENARD	PAGE NO.
	MADELYN FOULKES	
	THOMAS FOULKES	
	F. MAUREEN QUINN	
	CHARLOTTE CRANE	
	HEATHER TOWNSEND	
	ELISHA GRAY	
Direct Examination by Ms. Dore		126, 134
Cross-Examination by Mr. Aslin		128, 190
Cross-Examination by Ms. Walkley		206
QUESTIONS FROM SUBCOMMITTEE MEMBERS & SEC COUNSEL BY:		
Mr. Oldenburg		208
Mr. Wright		214
Chairman Honigberg		216

E X H I B I T S

EXHIBIT ID	D E S C R I P T I O N	PAGE NO.
CFP 652	Cohos Trail website excerpts	26
APP 482	Data Request	70
AD-N-ABTR 52	Photo, Webster Toll Bridge	143
AD-N-ABTR 60	Map with tower heights at river crossings south of Plymouth	144
AD-N-ABTR 61	Photos of flooding in Plymouth and Bridgewater, pages 1 and 2	144
AD-N-ABTR 63	May 1986 Memo to SEC related to SEC Phase II line	186
AD-N-ABTR 64	Webster Toll Bridge in Granite Monthly	143
AD-N-ABTR 65	Photo of island at Sawhegenet	155
AD-N-ABTR 66	1980 Article from EPA	154
AD-N-ABTR 68	Bridgewater Town Map 209	219
AD-N-ABTR 71	BioInitiative Report	184

P R O C E E D I N G S**(Hearing resumed at 1:08 p.m.)**

1
2
3 PRESIDING OFFICER HONIGBERG: Good
4 afternoon, everyone. It's Day 67, but the
5 schedule that Ms. Monroe puts out doesn't have
6 that many days left to hear from witnesses. I
7 know there are some procedural things I want to
8 talk about, but we'll do that at the first
9 break. Is there anything we have to do or need
10 to talk about before the first witness?
11 Mr. Raff?

12 MR. RAFF: Mr. Chairman, Alan Raff
13 representing the IBEW, and I just had a
14 clarification on the November 20th letter sent
15 by my client to the Subcommittee. After
16 speaking to my client, they told me that their
17 intention was for the letter to be taken or
18 filed as a public comment and given their
19 economic interest relating to the docket, my
20 client and the signatories just simply wish to
21 convey their strong desire for the Subcommittee
22 to adjudicate the process as quickly as
23 possible. So it was a public comment.

24 PRESIDING OFFICER HONIGBERG: Thank you for

1 getting back to us, Mr. Raff.

2 MR. RAFF: I apologize for the confusion.

3 PRESIDING OFFICER HONIGBERG: Not a
4 problem. Is there anything else we need do
5 before we swear in the witness?

6 Seeing nothing, would you do the honors,
7 please?

8 (Whereupon, *John Petrofsky* was
9 duly sworn by the court reporter)

10 **JOHN PETROFSKY, DULY SWORN**

11 PRESIDING OFFICER HONIGBERG: Mr. Baker, I
12 understand you're going to be helping out here?

13 MR. BAKER: Yes. Mr. Thompson, the group
14 spokesperson for the Clarksville/Stewartstown
15 Group, has asked me to do the introduction of
16 Mr. Petrofsky, and I had one or two questions
17 myself which I'll do right at the end of the
18 introduction. Thank you, Mr. Chair.

19 **DIRECT EXAMINATION**

20 **BY MR. BAKER:**

21 Q Mr. Petrofsky, you filed Prefiled Testimony in
22 this case; is that correct?

23 A That's correct.

24 Q And as I count the exhibits that have been filed

1 by the CS group of -- by the way, I need to say
2 this just for the record. I do not represent
3 Mr. Petrofsky. I represent only the four
4 clients that I've appeared on behalf of. I'm
5 substituting in as the group spokesperson.

6 PRESIDING OFFICER HONIGBERG: Right. We
7 understand that, Mr. Baker. We understand
8 you're facilitating the process here, and we
9 appreciate that.

10 MR. BAKER: Thank you.

11 BY MR. BAKER:

12 Q As I understand it, you have filed three
13 Prefiled Testimonies and one group of maps in
14 this case; is that correct?

15 A Well, depends on how you look at them in turns
16 of the time but three iterations of filing.
17 That's correct.

18 Q Okay, and I'm going to go through them with you
19 just to make sure we have the correct
20 references. I have filings of Prefiled
21 Testimony of yours; two separate Prefiled
22 Testimonies, three pages each, at Exhibit CS 1,
23 pages 20 through 25; is that correct?

24 A Yes.

1 PRESIDING OFFICER HONIGBERG: Off the
2 record.

3 (Discussion off the record)

4 PRESIDING OFFICER HONIGBERG: Mr. Baker,
5 you may continue.

6 BY MR. BAKER:

7 Q Also there's a couple of maps filed at CS
8 Exhibit 2?

9 A Yes.

10 Q And, finally, I find a Prefiled Testimony at
11 Exhibit CS 66; is that correct?

12 A Yes.

13 Q And the statements that you've made in these
14 filings, are they all true and accurate to the
15 best of your belief?

16 A Yes.

17 Q Does anything need to be changed in those
18 documents that have been filed with the
19 Committee?

20 A Not to my knowledge. No.

21 Q And based on information that you have received
22 or has become available to you since you filed
23 your Prefiled Testimony, do you have any
24 additions to make?

1 A Yes. Actually, three additions. One related to
2 wetlands and aesthetic impacts that I testified
3 to earlier. One to, second, addressing cultural
4 landscapes; and a third addressing questions
5 regarding road closures that have come up in
6 transcript and testimony.

7 Q Okay. Could you just explain what those three
8 are, please?

9 A Right. So the first one, the wetlands and
10 aesthetics has kind of two components to it. So
11 we recently learned that the Applicant will be
12 burying a portion of the line roughly 11 miles
13 in Hereford just across the border from
14 Pittsburg in Canada. It's interesting for a few
15 reasons. You know, one, it opens up new
16 possibilities in terms of mitigating some of the
17 adverse impacts on the US side of the border.
18 Prior to now, it was aboveground and would
19 continue aboveground across the border. Now
20 it's reaching the border below ground. So I
21 think there's clearly some optionality that
22 should open up.

23 The second part of that that's interesting
24 is if you do, you know, the basic kind of back

1 of the envelope map is they're spending roughly
2 40 million US dollars to bury 11 miles so you
3 get to about \$4.2 million a mile for burial.
4 It's interesting because that's a lower number
5 than we've seen before. These numbers kind of
6 keep coming down. So it's worth looking, you
7 know, what that tradeoff would be today. You
8 know, when the Project was first conceived of 8
9 years ago, this was new technology. It's not as
10 new anymore. There's a learning curve there
11 which may be what's leading to the reduction in
12 cost of burial.

13 The second part of what is kind of the
14 impact and what I testified to in terms of the
15 wetlands and aesthetic impacts is the letter
16 that the EPA recently filed or sent to the Corps
17 of Engineers.

18 Q I'm going to just interrupt for a second. Is
19 that the letter, the beginnings of which is on
20 the screen in front of you?

21 A Yes. Yes. That's correct.

22 Q For the record, that is Applicant's Exhibit 224

23 A.

24 A Right, and within that, so it's Hybrid 7 in

1 Appendix J.

2 So it's basically what EPA is saying here
3 is that burying first 40 miles of the proposed
4 route along preapproved, the preapproved route
5 according to DOT would have a significantly
6 lower impact on wetlands, significantly lower
7 aesthetic impacts, and it would essentially
8 address most of the concerns in terms of
9 aesthetics and wetlands that I brought up in my
10 Prefiled Testimony. What's particularly
11 interesting about it is that the, I should
12 probably say alleged benefits of the Project in
13 terms of tax benefits and money spent in New
14 Hampshire are actually higher under this
15 alternative as well. So the negatives are lower
16 and the positives, the electric positives are
17 higher. That's the first component that I
18 wanted to add.

19 The second, and this will be briefer, is on
20 cultural landscapes.

21 Q Before we go there.

22 A Sure.

23 Q You mentioned the final EIS, I think it's
24 Appendix J?

1 A That's --

2 Q The hybrid alternative?

3 A Hybrid 7 in Appendix J.

4 Q I just want to make sure that we get the record,
5 if I can find my cursor, is that the document
6 that's in front of you on the screen now?

7 A It appears to be, yes.

8 Q And just for the record, Appendix J, the hybrid
9 alternative in the Final EIS, is in evidence at
10 Applicant's Exhibit, now I'm having trouble
11 finding the exhibit number, but I'll get it.
12 It's Exhibit 205, that's the Final EIS, and it's
13 page, Applicant's page 69913 and following.

14 Now, you were going to your second point.

15 A So cultural landscapes. So I'm a Section 106
16 Intervenor as well. As part of that we've been
17 going through the process of examining potential
18 cultural landscapes. That process is
19 continuing. As, what I want to kind of update
20 my prior testimony with is the fact that we now
21 have some, I guess you could call them
22 preliminary results, in that the Applicant's
23 consultant has actually designated several,
24 recommended several landscapes that were

1 proposed by consulting parties as cultural
2 landscapes. In other words, they recommended
3 they go forward and be nominated and additional
4 areas for further study.

5 So one of them that I recommended is
6 directly impacted by the proposed Project. One
7 of them is recommended for further study. I
8 believe it's also directly impacted. It just
9 happens to be outside of the one-mile APE. So
10 that's new.

11 The third is road closures, and there's,
12 obviously, this has been discussed kind of ad
13 nauseam now. What came out in the testimony
14 that piqued my interest is the proposed detours
15 among other things. So I live in Washington,
16 D.C. I also spend a lot of time on Bear Rock
17 Road in Stewartstown. Not the part of Bear Rock
18 Road that's actually been visited by you-all and
19 spoken to, but the part that's actually, one of
20 the detour, one of the alleged detour routes or
21 suggested detour routes.

22 I have a fair number of concerns about the
23 detour route. You know, people have spoken to
24 health and safety concerns here. Whether you

1 could actually get an ambulance through on that
2 detour. You know, I know the road there pretty
3 well. It's a Class VI road. It's not
4 maintained. You know, hard enough time getting
5 a car through, let alone an ambulance. So
6 that's, yeah, it just seems very impractical as
7 a detour route to say the least.

8 The second, and people brought up a little
9 bit of the negative impacts. I believe it was
10 Mr. Thompson brought up concerns about the Cohos
11 Trail on Bear Rock Road on the state-maintained
12 portion of it, where you basically have these
13 road closures and you close off the trail. I
14 think it's important to note that there's no
15 rerouting of that trail. There's no alternative
16 for the trail. The other thing that I don't
17 think has been brought up explicitly is that
18 that part of the road is the main north/south
19 artery for Ride the Wilds, the ATV system that's
20 causing a lot of excitement in northern New
21 Hampshire. So if you close that off, and you
22 could have 200 ATVs coming through in a day, and
23 if that road's closed, they're not going
24 anywhere. That's the main route. So again,

1 from the standpoint of kind of tourism being the
2 life blood in the main prospect that the
3 northern part of the state has in terms of
4 economic development, and Ride the Wilds being
5 one of the more successful kind of recent
6 iterations of that effort, this would, it would
7 have a very negative impact on that during the
8 course of construction.

9 Q Thank you, Mr. Petrofsky. Just one last short
10 series of questions. Can you -- I've got a map
11 in front of us on the screen right now. Can you
12 see that?

13 A Yes.

14 Q Is the portion of Bear Rock Road where you live
15 visible on this map?

16 A Not quite. Almost. So if you see where Heath
17 Road joins Bear Rock Road on the left side of
18 the map.

19 Q The lower left-hand corner?

20 A Lower left-hand side. That part of Bear Rock.
21 If this map were two inches longer, you'd see my
22 house. So it's that section. It's the
23 municipal section.

24 Q Okay. Thank you. I have no further questions.

1 PRESIDING OFFICER HONIGBERG: Mr. Pappas.

2 **CROSS-EXAMINATION**

3 **BY MR. PAPPAS:**

4 Q Good afternoon, Mr. Petrofsky. We met just a
5 moment ago. I'm Tom Pappas. I represent
6 Counsel for the Public.

7 Let me first start by asking you a followup
8 question about the detour route you just
9 testified about. Did I hear you correctly that
10 you were describing Bear Rock Road after it
11 intersected Heath Road as the Class VI part?

12 A No. So it's Class VI, so Bear Rock Road starts
13 at Stewartstown Hollow and goes through
14 Stewartstown, crosses into Colebrook, and
15 continues from there. It's Class VI from about
16 ten feet south of my driveway.

17 Q Okay.

18 A Through Colebrook until it hits, I mean the way
19 I phrase it is until it hits Fred Rainville's
20 house, but for about two miles.

21 Q Okay. So it's just south of where Bear Rock
22 Road and Heath Road intersect south of that
23 where it becomes Class VI?

24 A Yes.

1 Q And then is it, it's not maintained in the
2 winter?

3 A No.

4 Q Okay.

5 A We have to pull people out of it pretty --
6 occasionally.

7 Q Thank you. Let me start by asking you a couple
8 questions about your background. Could you tell
9 us your educational background beginning with
10 high school?

11 A High school. Okay. I went to two high schools.
12 I went to a high school in Atlanta. I went to
13 Northfield Mount Herman School in central
14 Massachusetts. Subsequent to that I went to
15 Stanford University. I was an undergrad
16 majoring in international relations and
17 political economy. I minored in Arabic. And I
18 have an MBA from the University of Virginia.

19 Q Okay. Thank you. And in your Prefiled
20 Testimony, you talked about your, you mentioned
21 your business. What is your business?

22 A So I'm a financial planner, financial advisor.

23 Q So I want to start by identifying your property
24 in Stewartstown, and I may have picked the wrong

1 map to try.

2 A Okay. There's land in Stewartstown and in
3 Colebrook so --

4 Q Okay. We'll get to the second. You have
5 something in front of you?

6 A I do. It's not going to be on that map.

7 Q Okay. It's a little bit, we have to go past
8 this on the right?

9 A Yes.

10 Q Okay.

11 A And maybe south, if that's possible.

12 Q We'll see if the next page picks it up.

13 A No. That's not going to, not going to do it.

14 Q Okay. So we have a sense of where your property
15 is which is heading towards Colebrook down Bear
16 Rock Road which you can sort of see a little bit
17 way off to the right on this map. Do you see
18 that?

19 A Yes. If you follow that about a mile.

20 Q Okay.

21 A Three quarters of a mile.

22 Q All right. So in your Prefiled Testimony, you
23 discuss the buried line adjacent to the west
24 branch of the Mohawk River.

1 Now, if you look at this map you can see in
2 blue where it says west branch of the Mohawk
3 River. Do you see that?

4 A Yes.

5 Q Okay. And you also talk about Bear Rock Bog.
6 Do you recall that?

7 A I do.

8 Q Tell us where, can we locate Bear Rock Bog on
9 this map?

10 A So it's, it includes what's marked off as, what
11 I believe is marked off as open water and
12 wetland in the yellow.

13 Q Okay.

14 A Kind of hatching and the dark yellow. It's a
15 little bit more extensive than that. There's
16 areas there that are wetland that aren't marked
17 as such.

18 Q Okay. So the two dark yellow spots represent
19 open bodies of water. Do you see that?

20 A Yes.

21 Q And then that yellow hatch represent wetlands,
22 and it's in that area that the bog that you
23 talked about in your Prefiled Testimony?

24 A Yes.

1 Q Okay. So what's on the screen in front of you
2 now is a page from Applicant's Exhibit 200 which
3 is the Alteration of Terrain Permit Application
4 Maps, Bates stamped 67325. And here if you look
5 in the left-hand portion -- first of all, do you
6 see Bear Rock Road? Where the yellow line?

7 A Yes.

8 Q Okay. And if you look to the left of the map,
9 that is the area that you identified as the Bear
10 Rock Bog, correct?

11 A Correct. Yeah.

12 Q And if you look at that little blue symbol on
13 Bear Rock Road, that is a culvert; do you
14 understand that?

15 A Yes.

16 Q Okay. And do you also understand that there
17 will be an HDD drilling that you'll see the
18 dashed yellow line to go under that culvert,
19 that represents an area where the HDD drilling
20 will occur. Do you understand that?

21 A Yeah. That's my understanding.

22 Q Okay.

23 A Yes.

24 Q Now, you indicated that this area of Bear Rock

1 Road has native brook trout; is that right?

2 A Yes. Well, you said, of the --

3 Q The bog?

4 A The bog and the river.

5 Q Yes. Thank you.

6 A It's native brook trout. It's designated as
7 such as the state so it's catch and release
8 only.

9 Q Okay. And you testified about a concern that
10 sedimentation from construction activity in this
11 area, which will include open trench work, the
12 HDD work, and there's also a splice pit right
13 near there, you were concerned that
14 sedimentation would adversely impact the
15 wetlands and the bog area. Do you recall that?

16 A Yes.

17 Q Did you review the Applicant's BMPs for its
18 underground construction work?

19 A I did. A while ago but I did.

20 Q Did they satisfy you that they'll sufficiently
21 protect this area from sediment?

22 A Not really. And part of that answer, it's a
23 bigger question because, you know, I had reached
24 out to DES two and a half years ago now, three

1 years ago, and they said well, we've taken BMP
2 practices for the wetlands that we've
3 identified. But part of me reaching out to DES
4 in the first place was that I didn't feel like
5 they had fully identified the wetlands. So if
6 you go back to the map you had up for maybe two
7 slides prior that actually showed their updated
8 assessment of the wetlands, they're still
9 missing things.

10 So the field to the, this map is tilted,
11 but the field above the road or the field that
12 would be to the east is also wetland. It floods
13 periodically. And they never marked that off,
14 even after reaching out to them. So.

15 Q And that's this area you're talking about, the
16 top left-hand corner of this map?

17 A Yes.

18 Q Okay. You mentioned the DES and your reaching
19 out to them. Did you review the DES conditions
20 and its conditional approval?

21 A I did. Yes.

22 Q And did they satisfy your concerns about
23 sedimentation and the construction activity in
24 this area?

1 A So, initially, so in terms of sedimentation,
2 they said they'd followed Best Management
3 Practices which is, if they're followed, then
4 sure, that's great. If they're not followed,
5 then the damage is done and there's nothing you
6 can do about it. So it's kind of, you know,
7 fine. What are you going to do.

8 The thing that actually concerns me more
9 now that has kind of come up since testimony is
10 the risk of frackouts since this is an HDD
11 drilling site. The problem you'd have there,
12 and I looked at the BMPs that they laid out for
13 frackout, is the idea that, well, we could put
14 boats into the water. We could go in and we
15 could remove any problem liquids from the water,
16 but you can see it goes straight down the river
17 into the bog where it will sit and then slowly
18 leach out back into the river as it continues
19 down towards the main stem of the Mohawk. That
20 really hasn't been, that's something we've
21 tangentially touched on, but that's actually
22 what concerns me most at this point.

23 Q Okay.

24 A And that's the kind of thing where, you know,

1 frackouts happen.

2 Q Now, you also expressed concern in your Prefiled
3 Testimony that heat from the buried cable will
4 increase the water temperature in the wetlands
5 which would adversely impact the cold water
6 fish. Do you recall that?

7 A I do. Yes.

8 Q Did you get a chance to review the Applicant's
9 report that they produced on the heat from
10 buried cable?

11 A I did.

12 Q And did that not satisfy you or satisfy your
13 concerns?

14 A In terms of the impact on fish, I realize
15 there's, people have other concerns about heat
16 from the cable, but in terms of the impact on
17 fish in this location, yes. It does satisfy my
18 concerns.

19 Q Okay. So let me ask you a couple questions
20 about impact to drinking water that you talked
21 about in your Prefiled Testimony, and,
22 specifically, you indicated a concern about
23 yours and your neighbor's aqueduct for your
24 drinking water.

1 A Um-hum.

2 Q So back on the screen now is Bates stamp page
3 67774 of Applicant's Exhibit 201. And you've
4 already indicated your house is a little off
5 this map. Could you tell us what springs you
6 and your neighbors use for your drinking water
7 and where your aqueduct would be located?

8 A It's not on this map. It's just to the right of
9 Holden Hill Road.

10 Q Okay. Well, you expressed concern that blasting
11 in the area is what would cause damage to the
12 spring and your aqueduct. Is that right?

13 A So my concern, well, so Mr. Thompson suggested
14 his concerns about his springs. The aqueduct,
15 there's a spring just to the east of Holden Hill
16 Road. There's a pipe that leads from that
17 spring about a mile, a mile and a half, to my
18 property and three of my neighbors as well, and
19 yes, any damage to that pipe during the course
20 of construction would cut off the water supply.
21 We also have a well, but the other three houses
22 do not.

23 Q Do you know how deep that pipe is buried?

24 A About six inches.

1 Q Okay. Did you get chance to review the DOT's
2 conditional approval dated April of this year?

3 A I've reviewed it, yes. Again, about six months
4 ago.

5 Q One of the conditions requires the NPT cable to
6 be placed under existing utilities. Do you
7 recall that?

8 A Yes.

9 Q And, in fact, it requires a minimum of 24 inches
10 below a utility. Do you recall that part?

11 A Yes.

12 Q Is your concern that burying the cable near your
13 pipe will cause problems or is that the concern
14 you have with the pipe?

15 A It's more the above -- so in this case it's more
16 the aboveground construction. So it's the
17 blasting for the footing of the towers might
18 disrupt the spring, but it's also that during
19 the construction the pipe could be unearthed,
20 rolled over, et cetera.

21 Q And this is the area of Transition Station #4.
22 Correct?

23 A Again, it's a little bit to the east of that.

24 Q Your pipe?

1 A Yes.

2 Q Okay. So let me ask you a few questions about
3 impact to the Cohos Trail that you talked about.
4 What's on the screen now is Counsel for the
5 Public Exhibit 652 which are some pages from the
6 website of the Cohos Trail. Do you see that?

7 A Yes.

8 Q Okay. And the Cohos Trail as it indicates is 70
9 miles long that goes across Coos County; is that
10 correct?

11 A That's correct.

12 Q And it includes nearly 40 peaks along the way?

13 A Yes.

14 Q And there are a number of day hikes, and you
15 described this as a sort of remote pristine
16 area; is that right?

17 A That's right. Yeah. No, it's, what sets it
18 apart is the fact that it's a trail that you can
19 still feel like you're getting away from
20 everything on. You know, it's not, you can show
21 up at the trailhead and there aren't 40 cars
22 there. That's changing. It's getting more
23 traffic, but, which is a good thing, but it,
24 yeah, it's a beautiful trail.

1 Q In your Prefiled Testimony, you indicated that
2 Northern Pass structures will be seen from the
3 Cohos Trail in Stewartstown. Do you recall
4 that?

5 A That's right.

6 Q So what's on the screen now is Bates stamp 67325
7 of Applicant's Exhibit 200. And this shows
8 where Transition Station #4 will be located in
9 Stewartstown and the beginning of the overhead
10 construction. Do you see that?

11 A Yes.

12 Q And you can see where that, where it's not,
13 where Heath Road is in this area. Do you see
14 where it's labeled Heath Road?

15 A Yes.

16 Q And what's on the screen now is the next page,
17 Bates stamp 67326 in Applicant's Exhibit 200,
18 which shows Transition Station #4 and the start
19 of the overhead and a number of overhead
20 structures. Do you see those?

21 A I do.

22 Q Is this the area that you can see from the --
23 are these the proposed structures that you can
24 see from the Cohos Trail?

1 A There are some of them.

2 Q Okay. And just briefly tell us where they, how
3 far in Stewartstown it goes and you can continue
4 to see structures.

5 A Okay. So the trail in Stewartstown basically
6 starts, you're coming from Dixville. You're
7 walking over Sugar Hill towards Coleman State
8 Park. You get into Coleman State Park. You
9 then kind of go south, south/southwest from
10 Coleman State Park. You hit the Heath Road. At
11 that point, the Heath Road is the trail. That's
12 probably, I don't think the Committee had the
13 pleasure of driving down the Heath Road. It's
14 not maintained for the most part. So it feels
15 like the trail. So you're walking down the
16 Heath Road, and that's the trail. It's
17 basically the entirety of Heath Road until you
18 hit Bear Rock Road. So you would walking by, in
19 this instance, one, two, three, four, looks like
20 five towers. Then right as the trail turns onto
21 Bear Rock Road, you'd walk right by the
22 transition station. And then the trail
23 continues along Bear Rock Road for a good ways
24 as well.

1 Q So let me ask you a few questions about the
2 visibility of the towers on the Cohos Trail in
3 Stewartstown that you just described.

4 Now, as I understand it, and you testified
5 in your Prefiled Testimony that this area is,
6 gives one a sense of remoteness and wilderness;
7 is that right?

8 A Yeah. Okay. So looking at this map, again,
9 that first, if you look at the right side of the
10 page, there's the first footprint for a tower.
11 So if you were looking south from that road, you
12 can see there's a little bit of a meadow there,
13 and that's an old cow pasture basically. I
14 think it still is. You know, that view takes
15 you out over Harvey Swell, probably 40 miles
16 until you hit Blue Mountain, Bunnell Mountain.
17 It's a beautiful view. And if you turned around
18 you'd look up and in the middle of that field
19 you'd see a tower probably 150 yards behind you.

20 Q So is it your belief that it's the sense of
21 remoteness and wilderness that attracts people
22 to the Cohos Trail?

23 A Absolutely.

24 MR. NEEDLEMAN: Mr. Chair, I'm going to

1 object. This is either testimony that was
2 already included or easily could have been
3 included.

4 PRESIDING OFFICER HONIGBERG: Mr. Pappas,
5 does it also have a relevance problem?

6 MR. PAPPAS: Oh, I don't think it has a
7 relevance problem.

8 PRESIDING OFFICER HONIGBERG: Oh, I think
9 it does. We are well beyond this witness's
10 expertise about a dozen questions ago. You've
11 asked him all kinds of questions for a guy with
12 an MBA from UVA and international relations as I
13 recall from Stanford. What are we doing with
14 this witness, Mr. Pappas? He's got a lot of
15 opinions, not a lot of background, except he
16 lives up there and he knows a lot of stuff about
17 what goes on up there. Like a lot of other
18 people in this room.

19 MR. PAPPAS: Well, I don't think he needs
20 expertise to talk about his personal experience
21 with respect to the Cohos Trail because he lives
22 there.

23 PRESIDING OFFICER HONIGBERG: All right.
24 Maybe this particular question. But there were

1 sustainable objections to a dozen or more
2 questions you've asked this gentleman. So let's
3 cut to the chase with him, and let's get from
4 him what he knows that's important that's within
5 his range of expertise and will help this
6 Committee make a decision.

7 MR. PAPPAS: Okay. I'll try to get there.

8 BY MR. PAPPAS:

9 Q Mr. Petrofsky, what I want to ask you about
10 because you clearly have done some research on
11 your view of the impact of the proposed Project,
12 the Cohos Trail, and you related it in your
13 testimony to the economy, and you cited a number
14 of statistics in your testimony. Do you recall
15 that?

16 PRESIDING OFFICER HONIGBERG: And I recall
17 that he withdrew his economics testimony in his
18 Supplemental Testimony.

19 A Not all of it.

20 PRESIDING OFFICER HONIGBERG: Am I
21 misremembering?

22 MR. PAPPAS: He withdrew it after this
23 part. I was careful just to only focus on the
24 part he didn't withdraw which is only related to

1 the Cohos Trail and that's why I --

2 PRESIDING OFFICER HONIGBERG: The question
3 stands. Go ahead.

4 MR. PAPPAS: Thanks.

5 BY MR. PAPPAS:

6 Q And I don't want to set up these questions and
7 save time by asking you, so what I really want
8 to find out is you cited a number of statistics
9 and data. Did you rely on any other statistics
10 or data other than what you've cited in your
11 testimony with respect to your view of the
12 importance of the Cohos Trail to the economy in
13 the Stewartstown/Colebrook area and the reliance
14 of that tourist economy on people visiting the
15 Cohos Trail. And you cited some data, and I
16 just want to find out if you relied on any other
17 data.

18 A So if I understand the question correctly, so
19 there's the data I included in my Prefiled
20 Testimony specifically related to trails.
21 There's also the data that I included in terms
22 of the survey in terms of what people value
23 about when they visit the North Country, and
24 there's the, you know, I focused on the Cohos

1 Trail because it was something, it's something I
2 know. I'm a member of the Trail Association,
3 I've helped build parts of it, I volunteered on
4 it. It's been a long-term 20-year effort to get
5 this thing going and help bring people further
6 north in the White Mountains into --

7 PRESIDING OFFICER HONIGBERG: Do you
8 remember the question? The question was about
9 what about other data you relied on.

10 A So if that's, I mean that's my answer to the
11 question. Yeah. It's in the Prefiled
12 Testimony, and it's my background.

13 Q Okay. So other than the data, it's your
14 personal background which you relied on.

15 A Yes.

16 Q Okay. Thank you. Same question in terms of
17 your testimony regarding the secondary homes and
18 the vacation homes that you relayed were
19 important to the economy in your area. Is that
20 data cited in your testimony, and other than
21 that, is it your personal experience or did you
22 rely on anything else?

23 A It's the data and my personal experience. Yes.

24 Q All right. Let me ask you a last question about

1 something that you mentioned this afternoon, and
2 that is the burial up in Canada. You had
3 indicated that it would be, it was \$40 million
4 US to bury 11 miles in Canada. Do you recall
5 that?

6 A That's right.

7 Q And where did you find the \$40,000,000 US
8 figure?

9 A There is a news article I read in a Montreal
10 paper. That's using that day's translation of
11 Canadian dollars to US dollars.

12 Q So you found the Canadian dollars in the
13 newspaper article, and you made the conversion
14 to US dollars?

15 A Yes.

16 Q Okay. Thank you. I have no other questions.

17 PRESIDING OFFICER HONIGBERG: Do the
18 municipal lawyers have any questions for Mr.
19 Petrofsky?

20 MR. WHITLEY: The lawyers do not,
21 Mr. Chair, but I believe Ms. Pastoriza does.

22 PRESIDING OFFICER HONIGBERG: Ms.
23 Pastoriza?

24 **CROSS-EXAMINATION**

1 **BY MS. PASTORIZA:**

2 Q So my exhibits are with Sandra. So I'm going to
3 ask her to bring up the survey exhibits document
4 number 1. So this is part of Northern Pass's
5 Application to DOT. Are you familiar with this
6 document?

7 A Yes.

8 Q And could you read the first three sentences?

9 A The Clarksville portion of Route 145 has no
10 recorded layout and dates back to around 1828.
11 It is, therefore, considered a prescriptive
12 highway. Without a specific right-of-way width,
13 locating the NPT proposal outside of the
14 traveled way and beyond the disturbed ditch
15 lines is legally problematic.

16 Q Could we have image number 2?

17 So this is the October 2016 permit package
18 sheet for the Clarksville/Stewartstown border on
19 Old County Road. Are you familiar with this
20 area?

21 A Yes.

22 Q And you can also see up there number 3? This is
23 part of the BL Companies' April 2017 report on
24 their survey for Old County Road and North Hill

1 Road in Clarksville and Stewartstown. Are you
2 familiar with this report?

3 A Yes.

4 Q And could you read the section?

5 A Which section?

6 Q The whole text there.

7 A Okay. Research was conducted on the New
8 Hampshire State Archive records for the original
9 roadway layout. Old County Road was established
10 August 26th, 1839, in Book 1 Page 10 as a four
11 rod road, and North Hill Road was established
12 May 8th, 1828 in Book 1 Page 211 as a four rod
13 road. Research was conducted at the county
14 registry and many existing maps were recovered
15 and each one is labeled on the prepared map.

16 Q So image number 4, please?

17 So this is a DOT map of Clarksville and
18 Stewartstown road layouts with a proposed route
19 lined in orange. Are you familiar with this
20 area?

21 A Yes.

22 Q Can you see the road layout mentioned in the BL
23 Companies' report for Old County Road, 1839,
24 Book 1 Page 10 as a four rod road which is

1 labeled 4-4 and marked as Route 145 on this map?

2 A Yes.

3 Q And can you see the layout for North Hill Road
4 mentioned in the BL Companies' report as
5 established in 1828, Book 1 Page 211, as a four
6 rod road which is labeled 21-7 on this map?

7 A Yes.

8 Q And can you see the layout for a three rod
9 section of the proposed route which is labeled
10 21-7 on the map and is not mentioned in the BL
11 Companies' report?

12 A Yes.

13 Q So are you confused as to why BL Companies
14 stated in their stamped and signed report that
15 Old County Road was established as a four rod
16 road when according to these DOT records only a
17 small section of it north of the proposed route
18 was established at all?

19 MR. NEEDLEMAN: Objection.

20 PRESIDING OFFICER HONIGBERG: Grounds?

21 MR. NEEDLEMAN: It's beyond the scope of
22 his testimony, and this witness has no
23 demonstrated expertise on this topic.

24 PRESIDING OFFICER HONIGBERG: Ms.

1 Pastoriza?

2 MS. PASTORIZA: He mentions concerns with
3 the narrow width of the road, and inasmuch as
4 the survey is in absentia, I think any question
5 having to do with the right-of-way is relevant.

6 PRESIDING OFFICER HONIGBERG: Sustained.

7 BY MS. PASTORIZA:

8 Q Is it your understanding that the portion of the
9 road that is marked in red on this map is a
10 municipal road?

11 A Yes.

12 Q And do you know what the general width of the
13 traveled way is along this section?

14 A Well, it depends on which section you're
15 referring to. On the, so on the part of Old
16 County Road that is municipal, well, it's all
17 municipal, prescriptive until it hits the
18 Stewartstown border, that's maybe 20, 25 feet.
19 North Hill Road is 15? You know, it's basically
20 from here to there.

21 Q Is the road dirt or paved?

22 A It's dirt. The entire length it's dirt.

23 Q So is it consistent with your understanding of
24 testimony by Counsel for the Public's

1 construction witnesses that construction on this
2 road with a one or two rod width which is 16 and
3 a half to 33 feet will have a high likelihood of
4 road closures?

5 MR. NEEDLEMAN: Objection.

6 PRESIDING OFFICER HONIGBERG: Sustained.

7 BY MS. PASTORIZA:

8 Q Is it your understanding that a town may
9 establish or change the width of the
10 right-of-way of a municipal road but that the
11 State does not have the right to establish or
12 change the width of a municipal road?

13 A Yes.

14 MR. NEEDLEMAN: Objection.

15 PRESIDING OFFICER HONIGBERG: Grounds?

16 MR. NEEDLEMAN: Calls for a legal
17 conclusion.

18 PRESIDING OFFICER HONIGBERG: Ms.
19 Pastoriza?

20 MS. PASTORIZA: I believe that he's read
21 the statute pertaining to this.

22 PRESIDING OFFICER HONIGBERG: Sustained.

23 BY MS. PASTORIZA:

24 Q Image number 5?

1 So this is the new data rejected survey
2 submitted by the Applicant. Covers mostly the
3 same areas as image number 2, the permit
4 package. Do you see where the survey is not
5 signed by Jennifer Marks, New Hampshire licensed
6 land surveyor, in the lower left-hand corner?

7 A Yes.

8 Q And can you see that the symbol used to mark the
9 claimed right-of-way is, quote, approximate
10 right-of-way per centerline of road property
11 line, end quote?

12 A Yes.

13 Q And do you see definition number 4 that
14 approximate right-of-way line per centerline of
15 road is based on centerline of road and
16 right-of-way widths from the New Hampshire state
17 archives records, end quote?

18 A Yes.

19 Q Since this area is not covered by the four rod
20 layout labeled 4-4 which is from the state
21 archive records, are you puzzled as to why BL
22 Companies used this symbol and made this
23 assertion?

24 MR. NEEDLEMAN: Objection.

1 PRESIDING OFFICER HONIGBERG: Sustained.

2 BY MS. PASTORIZA:

3 Q Can you see the reference to the deed for the
4 grassland easements on this survey under Note E?

5 A Yes.

6 Q And do you know any wording in that survey deed
7 that's relevant to Old County Road?

8 MR. NEEDLEMAN: Objection.

9 PRESIDING OFFICER HONIGBERG: Ms.
10 Pastoriza?

11 MS. PASTORIZA: He's familiar with this
12 deed.

13 A Yes, I've read it.

14 PRESIDING OFFICER HONIGBERG: Whoa. Hang
15 on. I'm confused. You've asked him about a
16 document that isn't in front of us. The
17 objection is sustained.

18 BY MS. PASTORIZA:

19 Q Are you aware that the wording of this deed
20 states that the layout of Old County Road is
21 unknown?

22 PRESIDING OFFICER HONIGBERG: Sustained.

23 Q Are you aware that the same deed states the
24 exact location of the cemetery has not been

1 determined, there is no visible evidence of head
2 stones or graves, the area of the cemetery that
3 has been excluded is based on parol evidence
4 with the current landowners, neighbors and Nancy
5 Dodge who authored the book Northern Graveyards
6 and Cemeteries?

7 MR. NEEDLEMAN: Objection.

8 PRESIDING OFFICER HONIGBERG: Sustained.

9 BY MS. PASTORIZA:

10 Q Would that lead you to assume that the property
11 deeds and plans listed on the BL survey were not
12 read for reference to the road width?

13 MR. NEEDLEMAN: Objection.

14 PRESIDING OFFICER HONIGBERG: Sustained.

15 BY MS. PASTORIZA:

16 Q So next exhibit. It's titled Old County Road
17 Cemetery.

18 So this is from the Applicant's October
19 2016 permit packages. Do you see the cemetery
20 on this map?

21 A Yes.

22 Q And is this cemetery referenced in your previous
23 testimony as extending under Old County Road?

24 A Yes.

1 Q And do you have any new information on the
2 cemetery, confidential or public, that you wish
3 to address?

4 MR. NEEDLEMAN: Objection. To the extent
5 the witness has any information, it should have
6 already been shared. It's just an expansion of
7 testimony.

8 PRESIDING OFFICER HONIGBERG: Ms.
9 Pastoriza?

10 MS. PASTORIZA: I asked if he had any new
11 information.

12 PRESIDING OFFICER HONIGBERG: New since
13 when?

14 MS. PASTORIZA: New since he submitted his
15 Prefiled Testimony.

16 PRESIDING OFFICER HONIGBERG: Overruled.
17 You can answer.

18 A Yes. Well, so I know that people in Clarksville
19 investigated this further, and they, my
20 understanding of it is the work that they did
21 confirmed what people in town have always
22 assumed to be the case which is that in fact the
23 burials extend under the road. That there are
24 roughly four or five burials in the field on the

1 edge of the road and then somewhere between two
2 and four under the traveled right-of-way.

3 Q Could we have exhibit Bascom -- I believe it's
4 page 26, but it's an image showing a narrow
5 road. Farther on? Yes.

6 So given the lack of survey which is new
7 data, which is also the lack of determined
8 widths of the roads, do you have new concerns
9 about road closures in this area?

10 MR. NEEDLEMAN: Objection. This is not
11 tied to anything new. It's just seeking
12 expansion of testimony.

13 PRESIDING OFFICER HONIGBERG: Ms.
14 Pastoriza?

15 MS. PASTORIZA: It's new that we have no
16 survey, and that the survey was rejected.
17 Therefore, the width of all the roads is under
18 question, and any testimony having to do with
19 road closures is also under question.

20 PRESIDING OFFICER HONIGBERG: Is this
21 different from what Mr. Pappas asked him about
22 road closures?

23 MS. PASTORIZA: I don't know if he asked
24 specifically in reference to the lack of

1 knowledge of the width of the right-of-way.

2 PRESIDING OFFICER HONIGBERG: Sustained.

3 Sustained.

4 BY MS. PASTORIZA:

5 Q Next exhibit titled Harvey Swell and Bear Rock
6 Historical.

7 So for orientation, this is Bear Rock. Do
8 you have information to add to your testimony on
9 Bear Rock?

10 MR. NEEDLEMAN: Objection to the extent
11 it's not new.

12 PRESIDING OFFICER HONIGBERG: Yes. Limit
13 your answer to anything since you filed your
14 Prefiled Testimony.

15 A Repeat the original question, if you could?

16 Q Do you have any information that's new that you
17 wish to add to your testimony on Bear Rock?

18 A Well, so the one thing that's kind of come up
19 since I filed my testimony -- and I assume
20 you're referring to Bear Rock, the rock, not
21 Bear Rock, the area; is that correct?

22 Q I'm referring to the formation, and if you want
23 me to move forward to the picture of the
24 transition station I can do that and you can

1 address the issues with that.

2 A Yeah. So there's been more testimony about Bear
3 Rock and about the Transition Station in
4 particular, the volume of rock that will be
5 blasted and removed from the site. The one
6 thing that's of concern to me as more details
7 about the transition station have emerged is
8 that the area, the ledge that the Applicant has
9 described that they will be blasting in order to
10 construct this transition station is Bear Rock,
11 the rock. It's the southern slope of that so
12 that adds to my initial concern about, you know,
13 I originally testified about just Bear Rock's
14 there and they had originally proposed to go
15 aboveground, kind of over it, but now there's a
16 transition station that is proposed to be at the
17 base and on the southern slope of it. So when
18 you read the technical discussions about
19 blasting ledge, that is Bear Rock. That's the
20 only thing I have to add on that.

21 Q Could we have the exhibit that's titled LIDAR?
22 So this is a LIDAR image and the area that you
23 have circled is Bear Rock. Yes?

24 A That's right.

1 Q Can you describe in any way what portion of this
2 will be blasted and obliterated?

3 MR. NEEDLEMAN: Mr. Chair, objection.

4 We've now heard there's nothing new here. All
5 his testimony just related to the transition
6 station which is part of the original
7 Application.

8 PRESIDING OFFICER HONIGBERG: Ms.
9 Pastoriza?

10 MS. PASTORIZA: I think it's possible that
11 the LIDAR data for this area was not available
12 at the time of his testimony. In addition, it's
13 a view of Bear Rock that's different from any
14 that's been submitted, and I think it would help
15 the Committee's understanding of the formation.

16 PRESIDING OFFICER HONIGBERG: I'll overrule
17 the objection and let him answer this question.

18 A So I mean, yeah, it is helpful because the
19 historical map shows the rough location. So
20 basically this outcropping, and that's what it
21 is, it's a rocky outcropping, that starts with
22 where you can see the hill kind of coming up and
23 that kind of peaks at this kind of granite
24 spires. That's Bear Rock. That's the area

1 that's circled. The transition station would go
2 in at roughly the bottom quarter of it.

3 Q So the bottom quarter would be removed and
4 crated, flattened?

5 A From what I understand from reading of
6 descriptions of the transition station, yes.

7 Q And exhibit titled Bear Rock Bog.

8 So is this your delineation of information
9 that you considered missing from Normandeau's
10 AOT permit?

11 MR. NEEDLEMAN: Objection. I don't even
12 know what this exhibit is and the witness has no
13 expertise in this area.

14 PRESIDING OFFICER HONIGBERG: What is this
15 exhibit, Ms. Pastoriza?

16 MS. PASTORIZA: This is his drawing in of
17 what was missed in the AOT permit in terms of
18 wetlands and floodplain. He has information
19 about the --

20 PRESIDING OFFICER HONIGBERG: Is it part of
21 his Prefiled Testimony?

22 MS. PASTORIZA: No. It's supplemental.

23 PRESIDING OFFICER HONIGBERG: It's in the
24 Supplemental Testimony?

1 MS. PASTORIZA: No. It's something that he
2 drew in response to the inaccurate FEMA date.

3 MR. IACOPINO: Has it been submitted to the
4 Committee before today?

5 MS. PASTORIZA: No.

6 PRESIDING OFFICER HONIGBERG: Sustained.

7 BY MS. PASTORIZA:

8 Q So you did not mention concern with frackout or
9 the French drain effect of fluidized thermal
10 backfill and the duct banks in your Prefiled
11 Testimony. When and how did you become aware of
12 these issues?

13 A Through reading transcripts of other people's
14 testimony.

15 Q And do you have specific concerns with potential
16 frackout and altered water flow in this area due
17 to the French drain of the duct bank in the HDD?

18 MR. NEEDLEMAN: Objection. Witness has no
19 expertise in this area.

20 PRESIDING OFFICER HONIGBERG: Sustained.

21 BY MS. PASTORIZA:

22 Q Permit packages from DOT state that, quote,
23 subcontractors shall be responsible for the
24 containment, cleanup and disposal of all

1 drilling fluids in accordance with approved
2 drill fluid management and contingency release
3 plan including inadvertent surface returns, end
4 quote. Does this reassure you?

5 MR. NEEDLEMAN: Same objection.

6 PRESIDING OFFICER HONIGBERG: Sustained.

7 BY MS. PASTORIZA:

8 Q Exhibit APP65643.

9 So does this cover the area the same area
10 as the drawing where you'd written in the
11 floodplain?

12 A No. This is the area where the transition
13 station would be, and you see kind of Bear Rock
14 up to the left of it and covered in part by it.

15 Q So do you have new information and based on this
16 new document or in response to it and does it
17 address the concerns you delineated on the
18 previous AOT permit?

19 MR. NEEDLEMAN: Objection to the extent it
20 calls for testimony beyond his expertise.

21 PRESIDING OFFICER HONIGBERG: I agree with
22 that. Don't testify beyond anything beyond your
23 expertise, but otherwise, you can answer the
24 question.

1 A Sorry. Repeat the question again?

2 Q Do you have information to add based on or in
3 response to this document, and does it address
4 the concerns you delineated on the previous AOT
5 permit regards to the floodplain?

6 A So this, well, do I have concerns about what's
7 on this map, yes, in terms of where the
8 transition station is which I've addressed
9 already. This map doesn't show the area I was
10 speaking to in terms of the floodplain. So.

11 Q So could we go to Exhibit APP67774?

12 MS. MERRIGAN: For the record, the prior
13 page was from Applicant's Exhibit 199. And this
14 exhibit is from Applicant's Exhibit 201.

15 Q So does this map address your floodplain
16 concerns?

17 A No. So it appears to address some of my initial
18 wetland concerns in that the wetlands have been
19 more comprehensively delineated, but it's still
20 not fully reflective of the area that floods and
21 of the --

22 MR. NEEDLEMAN: Mr. Chair, same objection
23 at this point. You previously sustained the
24 objection to his flood plan map, and this is

1 just an extension of his testimony.

2 PRESIDING OFFICER HONIGBERG: Sustained.

3 BY MS. PASTORIZA:

4 Q Do you have statements to make about how FEMA
5 does its floodplain monitoring and how that
6 might affect the production of these maps?

7 MR. NEEDLEMAN: Objection.

8 PRESIDING OFFICER HONIGBERG: Sustained.

9 MS. PASTORIZA: That's all.

10 PRESIDING OFFICER HONIGBERG: SPNHF.

11 Mr. Wagner?

12 MR. WAGNER: Yes. Thank you.

13 **CROSS-EXAMINATION**

14 **BY MR. WAGNER:**

15 Q Good afternoon, Mr. Petrofsky.

16 A Good afternoon.

17 Q Can you hear me okay?

18 A Yes.

19 Q My name is Stephen Wagner. I'm with the Forest
20 Society. Just a couple quick questions. So do
21 you have your Prefiled Testimony in front of you
22 right now?

23 A I do.

24 Q Great. So there are two batches, you have the

1 one from November and the second set concerning
2 the historical resources. Do you recall that
3 you stated Nathan Pond is currently a very
4 remote pond reached by the Cohos Trail?

5 A Yes.

6 Q Okay. And Nathan Pond is in Dixville, correct?

7 A Yes.

8 Q Have you visited Nathan Pond?

9 A I have. A number of times as part of, once
10 while hiking the Cohos Trail and then once or
11 twice hiking into it and actually I biked there
12 once, for what it's worth.

13 Q So I wanted to ask you about testimony from
14 Northern Pass expert Robert Varney as it relates
15 to remote trout fisheries. In response to, if I
16 can represent, in response to a question from
17 Attorney Reimers, Robert Varney agreed that he
18 is aware that Nathan Pond is the only designated
19 remote trout fishery in Dixville. Are you aware
20 that Nathan Pond is designated as a remote trout
21 fishery?

22 A Yes.

23 Q Does that surprise you?

24 A No. Not really. I mean, it's, there are trout

1 in it, and it's remote.

2 Q Fair enough. Can I further represent to you
3 that Mr. Varney was asked whether the use of
4 that pond would change if the Project was built
5 and the pond was, in effect, delisted as a
6 remote trout fishery. And Mr. Varney responded,
7 quote, it would still be a trout pond where
8 people are able to enjoy fishing. Do you agree
9 with Mr. Varney that if the Northern Pass was
10 visible from Nathan Pond it would still be a
11 trout pond where people are able to enjoy
12 fishing?

13 MR. NEEDLEMAN: Objection. This is beyond
14 the scope of the witness's testimony.

15 PRESIDING OFFICER HONIGBERG: Mr. Wagner?

16 MR. WAGNER: Sure. I'm asking Mr.
17 Petrofsky to respond to Mr. Varney's testimony
18 in September about, in reaction to the remote
19 trout fisheries which was something that was not
20 included in Mr. Varney's report.

21 PRESIDING OFFICER HONIGBERG: Overruled.
22 You can answer the yes or no question.

23 A And the question was do I agree with whether
24 people would still appreciate Nathan Pond as

1 much?

2 PRESIDING OFFICER HONIGBERG: No. That
3 wasn't the question he asked. Why don't you
4 re-read the question, Mr. Wagner.

5 MR. WAGNER: Sure.

6 BY MR. WAGNER:

7 Q Mr. Petrofsky, do you agree with Mr. Varney that
8 if the Northern Pass were visible from Nathan
9 Pond that Nathan Pond would still be a trout
10 pond where people are able to enjoy fishing?

11 A I mean, so my, no, for one reason. And it's,
12 Nathan Pond, you can fish there. What makes it
13 special is that it's unique, it's remote, it's a
14 beautiful quiet place to fish that feels like
15 you're far away from everything. That element
16 of it, yeah, that would be ruined by Northern
17 Pass coming through and a number of towers you'd
18 be able to see there. It totally changes the
19 feeling that you have there. And I guess
20 speaking to it as someone who has done a fair
21 amount of fishing up there, it's, the feeling
22 you have in fishing is about more than catching
23 fish, right?

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

1 PRESIDING OFFICER HONIGBERG: Does the
2 Deerfield group have any questions? I'm seeing
3 shaking heads.

4 The Ashland to Deerfield Group?

5 MS. CRANE: No, thank you.

6 PRESIDING OFFICER HONIGBERG: Stark to
7 Bethlehem?

8 MS. MORE: Yes.

9 **CROSS-EXAMINATION**

10 **BY MS. MORE:**

11 Q Can you hear me?

12 A Yes.

13 Q Is that okay? Mr. Chair, members of the
14 Committee, this is Rebecca More. I'm
15 representing the Weeks Lancaster Trust, part of
16 the Stark to Bethlehem Non-Abutting Group, and
17 Mr. Petrofsky, I have just a few questions for
18 you specifically focused on your efforts as a
19 Section 106 consulting party in this
20 Application. So if I may I go through them.

21 These questions are specifically aimed at
22 your actions as a consulting party since your
23 Prefiled and Supplemental Prefiled Testimonies
24 were submitted.

1 Number 1, are you a Section 106 expert or a
2 professional consultant?

3 A I'm not a Section 106 expert or a professional
4 consultant. I'm a consulting party. For what
5 it's worth it's my understanding that this is
6 one of the first cultural landscape reviews. I
7 guess this is just a 106 question so yeah.

8 Q Thank you. I want to know, have you submitted a
9 cultural landscape report prior to the
10 information that you submitted to the Department
11 of Energy in this Application?

12 A No.

13 Q And do you feel that you're an expert
14 professionally in aesthetics or cultural
15 landscapes?

16 A Not professionally, no.

17 Q Okay. So if all of those things are true with
18 regard to cultural landscapes, then why did you
19 sign up as a consulting party and what did you
20 think you could contribute?

21 A So I signed up in 2016 partly because I was
22 looking at the process as it was winding
23 through, and I got the sense that the
24 consultants who were engaged to that point were

1 missing things. They were missing resources,
2 they were missing -- we hadn't even gotten to
3 landscapes at that point. They were missing
4 historical resources. So I felt like the
5 process could benefit from someone with a local
6 knowledge who's, you know, fourth generation in
7 Stewartstown. So there's things that people who
8 have lived in an area know that even the best
9 experts don't know, through no fault of their
10 own. Just you have a sense of what the history
11 behind the barn is or where the ruin in the
12 forest might be that the consultants are going
13 to miss.

14 You know, part of my background, too, you
15 know, my family has actually been up in that
16 area longer. My great grandparents live just
17 across the board in Canada. We have English,
18 French and Native American ancestry. There's
19 just things that we know about that most people
20 don't. So being able to tie all of that
21 together, either on a individual historical
22 resource level, something like Bear Rock or the
23 cemetery under the road in Clarksville or Indian
24 Stream, or looking at the landscape as a whole

1 and understanding how things fit together, it's
2 important, and it's something that I felt I
3 could uniquely offer that the consultants would
4 probably miss.

5 So, for example, the Committee's heard
6 testimony from I think it was, from the AMC and
7 the name's escaping me right now, on the
8 wetlands, on the natural community impact on
9 Sugar Hill and also seen aesthetic testimony
10 from Diamond Pond. Being able to tie that
11 together and saying the impacts that are
12 happening in these discrete vectors are actually
13 from the same portion of the line, and what else
14 is going through that, that's something that
15 where, that's where I felt like I could really
16 add something. So does that answer your
17 question?

18 Q It does. Thank you. What about within that
19 regard, were there things that you took issue
20 with in some of the professionally prepared
21 reports that were submitted by either the
22 Applicant or the Counsel for the Public?

23 A Well, so in relation to 106 or to the cultural
24 landscape reports specifically?

1 Q Well, the information which had a bearing on the
2 cultural landscape.

3 A Right. Right. So yes. One of the, one of the
4 problems so far, and I guess it bears repeating
5 that the cultural landscape process and
6 identification process isn't done yet. We're, I
7 don't know, two thirds of the way through.
8 There's still comments that are coming back on
9 the initial report. There'll be another
10 opportunity to, the Applicant's consultant will
11 come back to us and say here's what we found so
12 far. There will be another period of review.
13 So this is, again, my impression from halfway
14 through the process, but one problem that we
15 had, that we've had so far, well, there a few
16 places that they've just misidentified so I
17 submitted data on the area called Riverside in
18 Stewartstown, and they went to the wrong place
19 in trying to identify it. So there's things
20 like that.

21 There's also a problem with the APE. So
22 the APE for the sake of cultural landscapes is
23 in the impacts is a mile wide which when you
24 you're talking about landscapes seems

1 short-sighted. So that's one problem.

2 They -- there's more specific things as
3 well. So part of the history or part of what
4 the cultural landscape recognition process is
5 trying to determine, it's trying to find places
6 that have a distinct measurable, where the
7 landscape basically tells the story of how
8 people have interacted with it, and it speaks to
9 kind of a discrete historical period and tells a
10 discrete story. There were significant areas
11 that the consultants so far have kind of left
12 out and said well, that's just woods, right?
13 That doesn't speak to the history of the area.
14 And I guess this is another area where someone
15 who is local to the area can be helpful, and you
16 say well, no, those aren't woods. That's Sugar
17 Hill, for example. So why is that called Sugar
18 Hill. Well, it's because there's lot of sugar
19 maples there. That, you know, there are sugar
20 bushes there. That's actually not a wild
21 landscape. That's a cultivated landscape. And
22 if you look there you'll find ruins related to
23 sugaring from 100 years ago, things like that,
24 or where there might be ruins in the forest.

1 Things along those lines. So they've missed a
2 lot so far, but within the process and hopefully
3 they will, that process will lead a richer
4 result.

5 Q Thank you. So may I just be specific. You
6 supplied the Public Archeology Lab in
7 conjunction with the 106 with information on
8 several places. Is that correct? Which ones?

9 A So I submitted four locations. Harvey Swell
10 which is --

11 MR. NEEDLEMAN: Mr. Chair, this is all in
12 the Prefiled Testimony.

13 PRESIDING OFFICER HONIGBERG: Ms. More, it
14 does appear to be in the Prefiled Testimony.
15 What do you want to know about?

16 MS. MORE: Well, may I ask him if in their
17 recent deliberations if there was any result of
18 his submission? So, for example, the Section
19 160 consultants were encouraged to supply an
20 enormous amount of information. This in some
21 cases was subsequent to the Prefiled Testimony,
22 and then there were deliberations and further
23 questions during the summer. So I would like to
24 know if he was followed up --

1 PRESIDING OFFICER HONIGBERG: That sounds
2 perfectly reasonable.

3 MS. MORE: Thank you.

4 A Okay. So answering on what we know new about
5 what I submitted. Okay. Is that? Yes.

6 So of the four that I submitted, Harvey
7 Swell which is in Stewartstown and Colebrook has
8 been recommended for, it's been recommended as
9 cultural landscape so PAL said yes, we think
10 this is cultural landscape and should be
11 recognized as such. We've gone back and forth
12 on what the exact borders ought to be. That's
13 part of my commentary to them and that's where
14 we're still in process.

15 Indian Stream, which I also recommended,
16 they said -- they recommended it for further
17 study. They didn't recommend it as a cultural
18 landscape at part of this process only because
19 they determined it was outside of the one-mile
20 APE, but for the sake of "is this a cultural
21 landscape," they seem to be saying yes and that
22 it was deserving of further study and
23 nomination, if you will.

24 Q Thank you. I have one final question which is

1 this is in regards to modern conservation areas
2 such as Coleman State Park which I believe are
3 in that area, and I'm interested in why areas
4 like that, there's been a question raised over
5 modern intrusions, modern changes to the
6 landscape so there's perhaps some
7 misunderstanding of what a cultural landscape
8 constitutes and what is modern and what is
9 allegedly "old" and what represents a cultural
10 experience. With regard to areas like Coleman
11 State Park, what cultural landscape did it fit?

12 MR. NEEDLEMAN: Mr. Chair, I'm going to
13 object to this. This is calling for opinion
14 testimony on historic analysis. It's not
15 calling for the witness's own personal factual
16 information.

17 PRESIDING OFFICER HONIGBERG: Ms. More?

18 MS. MORE: I believe that in regard to
19 this, Section 106 consultants are, were expected
20 to have some understanding of the process. So
21 I'm really asking if there's anything that Mr.
22 Petrofsky can elaborate upon which would help us
23 understand perhaps a little bit better why areas
24 such as Coleman State Park or conservation lands

1 that have been given to the state, state
2 investment, and conservation lands particularly
3 up in the headwaters region, why does this make
4 a difference in a cultural landscape.

5 PRESIDING OFFICER HONIGBERG: He's already
6 testified he's not a 106 expert. The objection
7 is sustained.

8 MS. MORE: Thank you. I have no further
9 questions.

10 PRESIDING OFFICER HONIGBERG: Thank you,
11 Ms. More. I thought you were done.

12 Did I miss any Intervenor group questions
13 for Mr. Petrofsky? Ms. Schibanoff?

14 **CROSS-EXAMINATION**

15 **BY MS. SCHIBANOFF:**

16 Q Mr. Petrofsky, can you --

17 A I can hear you.

18 Q Okay. I'm Susan Schibanoff. I'm a part of the
19 Non-Abutting Properties, Bethlehem to Plymouth
20 Group. I have just a few questions for you
21 concerning the Cohos Trail. I believe you said
22 that you have some familiarity with the trail?

23 A Yeah. Yes, I've hiked a fair amount of it.

24 Q Have you hiked the entire trail, section or

1 thru-hiking?

2 A I haven't thru-hiked it. I've hiked parts from
3 Stark north, from Stark south. I haven't hiked
4 all of it in the Whites, I guess I'd say.

5 Q And you also said I believe that you're involved
6 with some of the planning and development of the
7 trail.

8 A Yes. So when it first, well, maybe not when it
9 first started out, but about 20 years ago now,
10 when it was in his comparative early days, I
11 helped build some of the lean-to's and cleared
12 trails. Helped clear some the trail in
13 Dixville.

14 Q Thank you. I think I heard you say that there
15 are in the area that concerns you directly,
16 there would be five visible towers and a
17 substation. You believe that would be the case?

18 A So in the area that, in the areas with which I'm
19 most familiar, there would actually be more
20 visible towers than that. We were only talking
21 about the section along Heath Road.

22 Q Do you know if there are plans to develop any
23 overnight facilities in that area by which I
24 mean shelters or tent platforms or tent pads?

1 A Yes. Well, there are some in development.
2 There are some that have been established. The
3 trail is always looking for new opportunities to
4 build basically what you just described.

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

6 PRESIDING OFFICER HONIGBERG: Any other
7 Intervenor group? All right. Seeing none,
8 Mr. Walker?

9 **CROSS-EXAMINATION**

10 **BY MR. WALKER:**

11 Q Good afternoon, Mr. Petrofsky. My name is
12 Jeremy Walker, and I'm counsel for the
13 Applicant.

14 A Good afternoon.

15 Q Ms. Pastoriza asked you a number of questions,
16 and prior to when you took the stand I saw you
17 talking with her. Did she go over some of her
18 questions that she was planning to ask you?

19 A No.

20 Q What was the nature of your discussion with Ms.
21 Pastoriza?

22 A Introduction.

23 Q Okay. You've offered a lot of opinions in
24 different areas, but your educational

1 background, I heard you say internal relations,
2 Arabic as well as an MBA, correct?

3 A That's right.

4 Q So you don't have an educational background or
5 professional expertise in wetlands, water
6 resources, wildlife, plant biology, correct?

7 A Well, so I'd say, you know, where I'm speaking
8 to is growing up in Bear Rock. The basis of all
9 my information is, you know, there was nothing
10 to do except go into the woods and eventually
11 you get curious about what's there and you learn
12 about it and you study it. So it's my,
13 everything I'm testifying is based on my
14 personal familiarity with it.

15 Q It's a layman opinion, correct?

16 A Yes.

17 Q Okay. And the same goes with regard to a
18 technical background as it deals with
19 underground construction and your opinions that
20 you've provided on that subject.

21 A Sure.

22 Q Okay. You've testified about your concerns on
23 wetlands including the potential impact of the
24 Project to the Bear Rock Bog; is that right?

1 A Yes.

2 Q And do you remember when we asked you for all
3 the documents that you had supporting your
4 contentions about the impact to the wetlands at
5 Bear Rock Bog? Do you remember that in a Data
6 Request?

7 A I don't.

8 Q Dawn, if you could pull up Exhibit 482, please.
9 It's actually the next page, Dawn, please.

10 Can you see that on the screen, Mr.
11 Petrofsky?

12 A Sure.

13 Q You'll see we asked you for all of the documents
14 that support your testimony regarding the Bear
15 Rock Bog, and your response was "look at a map."

16 Other than us looking at a map, you haven't
17 provided any documents supporting your
18 contentions about the wetland impact. Is that
19 right? Or do you have any documents?

20 A Other than what I've already submitted, no.

21 Q Okay. At times today you mentioned that your
22 concerns about wetlands, you had a number of
23 communications back and forth with the DES,
24 correct?

1 A Yes. I think that was in 2015. 2016.

2 Q All right. And also when you submitted your
3 concerns to the DES there were responses from
4 Lee Carbonneau at Normandeau. Do you recall
5 that?

6 A I do.

7 Q And she, you pointed out areas where you thought
8 wetlands were not delineated, she wrote back and
9 she pointed out where they actually were
10 delineated on the maps, correct?

11 A She responded. I think they're still wrong.

12 Q You have a disagreement.

13 A Yes. I think you could say that.

14 Q And all of that was submitted to the DES,
15 correct?

16 A Correct.

17 Q Have you seen the DES's final permit?

18 A I believe I have looked at it, yeah.

19 Q Dawn, if you could pull up Exhibit 75, please,
20 which I'll represent to you, Mr. Petrofsky, is
21 the Final Permit. Or I'm sorry. The March 2017
22 permit. And Dawn, in particular, if you could
23 go to 44457.

24 This is one of the findings that's listed

1 in the permit, and you can read it, but I'll
2 represent to you that the DES is noting that
3 it's received your correspondence and responses
4 from the Applicant. And I take it you would
5 agree with me that you raised these concerns,
6 the DES had those concerns and considered them
7 when it made its decision to issue the permit,
8 correct?

9 A Yes. So I've read that. I've read this.

10 Q I'm sorry. I didn't hear you.

11 A I've read their responses, and I've read this
12 Final Permit. I remember one thing -- so to be
13 frank, I kind of gave up on the conversation
14 with the DES. One thing that they responded to
15 me with is we've mapped all the flood zones.
16 This isn't a flood zone.

17 Q Mr. Petrofsky, I don't mean to interrupt you,
18 but my only question to you was the DES had your
19 concerns before it when it issued its permits,
20 correct?

21 A Some of them.

22 Q Let me turn to your testimony with regard to
23 cultural landscapes, and we've talked a little
24 bit today about you don't have professional

1 expertise with regard to identifying or
2 delineating boundaries of cultural landscapes or
3 anything like that, right?

4 A Yes. That's right.

5 Q And you've identified in your Prefiled Testimony
6 six different areas that you thought should be
7 considered as cultural landscapes. I think it
8 was six. And actually, Mr. Petrofsky, the
9 number is not important. I'm not trying to quiz
10 you on that. But you would agree with me that
11 the Public Archeology Laboratory, which is the
12 Applicant's consultant, studied each of the
13 different resources and all of the ones that you
14 mentioned, correct?

15 A Well, to greater or lesser degree. Again, some
16 of them they went to the wrong place. So --

17 Q Well, that's your opinion. I understand that.
18 But they have agreed with you on one; that
19 Harvey Swell should be considered a cultural
20 landscape that could be impacted by the Project,
21 correct?

22 A That's right.

23 Q And then Indian Stream, you mentioned that you
24 agree that they also found that as potentially

1 eligible as a cultural landscape, but that it
2 was outside the one-mile APE.

3 A That's correct.

4 Q And you're aware that that one-mile APE in this
5 case was determined by the Department of Energy
6 and agreed to by the DHR.

7 A Yes, and that's something that all of the
8 other -- not all, but the majority of the
9 consulting parties have objected to strenuously
10 throughout the process. When you're looking at
11 a cultural landscape, to set a one-mile APE for
12 potential impacts, it's pretty ludicrous.

13 Q I heard you say short-sighted and now ludicrous.
14 You're saying DOE and DHR were short-sighted?

15 A Yes.

16 Q You also provided some testimony with regard to
17 the impact or the potential impact of the
18 Project on tourism and economics including the
19 purchases of second homes in New Hampshire.

20 And Dawn, if you could pull up Mr.
21 Petrofsky's Prefiled Testimony. It's Exhibit
22 65. And page 7 to 8. I think it starts at the
23 bottom of page 7. And the question, you asked
24 yourself this question in your Prefiled

1 Testimony. "Why would anyone buy a vacation
2 home anywhere in New Hampshire if Northern Pass
3 is approved as proposed," and you stated, "No
4 well-informed person would." I was a little bit
5 surprised by that because that's pretty broad.
6 You're saying nobody will buy a second home in
7 New Hampshire if this Project is built.

8 A So let me --

9 Q I mean, that's what you said, right?

10 A Yes. So take a step back and look at things
11 that, the message that the State is sending, if
12 you will. So go up to northern New Hampshire
13 and you have places like Coleman State Park and
14 the Connecticut Headwaters Forest where the
15 State has spent a fair amount of money and time
16 and effort to protect the landscape.

17 So one would reasonably expect well, that
18 must be something that the State cares about.
19 This is an area that they're trying to preserve.
20 You know, in fact, that's, with the Connecticut
21 Lake Headwaters, I think the State spent \$10
22 million to protect that. And the concern was we
23 don't want habitat fragmentation. We don't want
24 to destroy this landscape that is so important

1 to the tourist industry in this part of the
2 state.

3 You know, initially you'd think, you know,
4 this is an area that the State is trying to
5 preserve. They're trying to help foster towards
6 and they're trying to help encourage this to be
7 an area where people will seek out to live with
8 second homes.

9 Then you see this Project, and I know it's
10 had several iterations, but when I go up to
11 northern New Hampshire, and again, I live in
12 Washington, D.C. Getting up to Stewartstown
13 takes me six or seven hours if I get on a
14 flight, right? I could be in Denver. I could
15 be in Paris. I choose to go to northern New
16 Hampshire because it's beautiful. And if I
17 think of all the places I'm going to go to in,
18 say, a week's vacation, right? I'm thinking Big
19 Diamond Pond, Little Diamond Pond, Dixville
20 Notch, Nathan Pond, driving up to Pittsburg on
21 Route, you know, on 145, driving up on Route 3.
22 That's a week's worth of activities, right?
23 Every single one of those I'll be seeing
24 Northern Pass from if it's approved as it's

1 currently proposed. It's like, and, again --

2 Q Mr. Petrofsky?

3 A Hold on. I know I'm getting --

4 Q My question is pretty simple.

5 A And I'm answering it, but it's a long --

6 Q You don't think anybody else is going to buy a
7 second home in New Hampshire if the Project is
8 built.

9 PRESIDING OFFICER HONIGBERG: Mr. Walker,
10 let's let him finish. I think he was almost
11 done.

12 A Thank you. So it's almost as if you're looking
13 at all of the cultural and scenic and historic
14 and recreational resources in this part of the
15 state, and it's like you're playing
16 connect-the-dots with the power line hitting all
17 of them or most of them. So my, what I'm saying
18 in this part of my Prefiled Testimony is if the
19 State's not willing to protect this landscape
20 that it's made such an investment in, why would
21 you buy a house in New Hampshire. I mean,
22 because there's no guarantee that some Project
23 is not going to come along and ruin any part of
24 it.

1 Q You're aware there are other transmission
2 corridors in New Hampshire, correct?

3 A Yeah, and I wouldn't, it's not that they're
4 there now. It's what's coming down the road.
5 And if, again, some place like the Connecticut
6 Headwaters Forest where the State has invested a
7 lot of time and money in protecting that, and
8 then you're going to undermine it by allowing
9 the Project to proceed, at least the way it's
10 currently proposed, that's crazy. You know, I'm
11 going to look at buying a house in a state that
12 actually is going to protect the resources that
13 it spent money on. You know, speaking, well,
14 I'll just leave it at that.

15 Q Thank you. As far as, you were asked some
16 questions and you mentioned the, I think you
17 mentioned an article you read up in, about in
18 Canada where there is a proposed burial of 11
19 miles, and you suggested that that opens up
20 options for burying more of it in New Hampshire,
21 correct, of the Northern Pass Project in New
22 Hampshire?

23 A It would certainly seem to.

24 Q All right. I know you have a background in

1 finance. But do you know about the proposal up
2 in Canada and whether the \$40,000,000 that you
3 cited, whether those are fully loaded costs for
4 that Project. Do you know what I mean by fully
5 loaded costs?

6 A All I've read about that so far is because what
7 I've read about it, so burying it in Hereford,
8 people naturally raise the question in Quebec of
9 why don't you bury the lines that you want to
10 build outside Montreal, and the answer is
11 because Hydro-Quebec won't pay for it. It's the
12 American ratepayers who are going to pay for
13 this burial. That's what I've read.

14 Q Have you done, and I take it you have not done,
15 any kind of feasibility analysis comparing the
16 different costs that they may incur up in Canada
17 on that particular proposal versus what Northern
18 Pass might incur for burying more of it here?

19 A So it's presumably the same lines, and I have
20 looked into -- so, again, in the news that's
21 come out so far --

22 Q Where is that presumption from, that it's the
23 same lines?

24 A Are you really going to take the same ABB cable

1 or a different kind of cable?

2 Q Oh, I see. You're referring to the cables.

3 Okay.

4 A The physical cable.

5 Q Do you know where it's being buried? In other
6 words, is it you being buried up in Canada, the
7 proposal, is it under roads, is it under a road
8 shoulder, is it through a transmission corridor?
9 Do you have a sense of any of that?

10 A What I've read so far is that it's along, it's
11 along road shoulders, similar to what the EPA
12 has proposed in the northern section of New
13 Hampshire.

14 Q And where did you read that?

15 A I believe it was in one of the articles I found.
16 Montreal Gazette.

17 Q Do you know if any HDD is being proposed for
18 that stretch in Canada?

19 A I can't say specifically yes or no.

20 Q Do you know any of the other factors like the
21 topography, the depth of burial of that proposed
22 line in Canada?

23 A I presumed that it would be very similar to New
24 Hampshire. It's just across the line. It's the

1 same kind of topography. You're going through
2 Hereford Mountain Park, right? It's --

3 Q That's your presumption, right? You don't have
4 any basis for that other than just presuming it?

5 A Well, no, I mean, I've read it.

6 Q Nothing further. Thank you.

7 A Thank you.

8 PRESIDING OFFICER HONIGBERG: Members of
9 the Subcommittee have questions for
10 Mr. Petrofsky? Mr. Way?

11 **QUESTIONS BY MR. WAY:**

12 Q Good afternoon.

13 A Afternoon.

14 Q You're a member of the Cohos Trail Association?

15 A I've joined it. I've been a member of it
16 several times, yes, but I currently am.

17 Q But not a leadership position in that?

18 A No.

19 Q All right. I think that takes out all my other
20 questions. Thank you.

21 PRESIDING OFFICER HONIGBERG: Mr. Wright?

22 **QUESTIONS BY DIR. WRIGHT:**

23 Q Good afternoon, Mr. Petrofsky. Craig Wright
24 with DES. And just so you know. I play no role

1 at DES in wetlands issues so --

2 A And I mean no offense that I continue to
3 disagree with some of the things that --

4 Q That's perfectly fine. We get that all the
5 time. Sorry.

6 Just a quick clarification. In your
7 communications with DES, did you mention the
8 field specifically that you feel that is
9 normally flooded periodically?

10 A Well, I mean, so periodically, I mean I'm trying
11 to parse out "normally periodically."

12 Q The field that you describe in your testimony --

13 A Yes.

14 Q -- that is flooded on occasion.

15 A Yes, on a regular -- it's not unusual for it to
16 flood and be flooded. And so how I do know it's
17 a wetland. Because in the spring there are
18 ducks swimming in it, right?

19 Q What's the normal use of that field when it
20 isn't flooded? Is it normally hayed or
21 something?

22 A It's hayed.

23 Q It's a hay field. Okay.

24 A Yes.

1 Q Go ahead.

2 A But the flooding, so it's, again, it's a couple
3 times in my lifetime I've seen the flooding
4 extend over the road. I mean, it can get pretty
5 severe.

6 Q Okay. So your concern is primarily during the
7 construction phase of the Project or also during
8 the operational phase and maintenance of the
9 Project?

10 A Primarily in the construction phase.

11 Q Okay. Your spring on Holden Hill. You
12 mentioned some concerns about that. Are your
13 concerns primarily disruption of that spring or
14 more concerns with contamination from blasting?

15 A Both.

16 Q Both. Okay. Do you know how far away that
17 spring is from where there may be blasting?

18 A 150 feet.

19 Q Okay. So -- and then that pipeline runs either
20 across the road with the -- so is it just
21 crossing the road or does it run in parallel
22 with the track for some period of time?

23 A So it crosses underneath it. Then it goes
24 across Heath Road and then down and back up to

1 Bear Rock.

2 Q And you said it's only six inches under the
3 ground?

4 A I mean, there's places you can see it above the
5 ground.

6 Q Okay.

7 A Six inches was generous.

8 Q Have you had any discussions with the Applicant
9 about your concerns with that line?

10 A I have not. I have not. Dr. Kaufman may have,
11 but I personally have not.

12 Q Okay. Thank you.

13 PRESIDING OFFICER HONIGBERG: Any other
14 questions from the Subcommittee?

15 Seeing none, Mr. Baker, do you have any
16 redirect?

17 **REDIRECT EXAMINATION**

18 **BY MR. BAKER:**

19 Q Only this question. Mr. Petrofsky? I'm back
20 here now. I'm sorry.

21 You were asked by Mr. Walker about maps and
22 whether you had submitted any. Am I correct
23 that there are maps submitted in your Exhibit CS
24 2? There were three maps as I recall and

1 perhaps a diagram?

2 A As pertains to wetlands?

3 Q As pertains to wetlands and where the Bear Rock
4 Bog is.

5 A Yes. I believe so.

6 Q Okay. Other than that, I have no specific
7 questions.

8 I simply would like to open up, is there
9 anything that you feel that was raised in your
10 examination by the various parties including the
11 Committee that need any further clarification?

12 A There were two quick things, and I'll be brief.
13 You know, one was, and this kind of speaks to my
14 discussions with DES. One of the answers I got
15 about whether that area floods was well, it's
16 not a FEMA flood zone. And I said okay. I
17 looked up where flood zones are measured by
18 FEMA, and it's where they have meters. And
19 there's never going to be a meter and there
20 isn't a meter on the west branch of the Mohawk
21 River so of course it's not a FEMA flood zone.
22 But their answer never addressed, and of course
23 it wasn't going to be address, whether that area
24 flooded so at that point, I mean, frankly, I

1 kind of saw well, it's not a FEMA flood zone and
2 I guess this isn't DES, this is more Normandeau,
3 is that just being an answer to throw at me as a
4 red herring. So I didn't bother.

5 The second point I wanted to make, and,
6 again, this gets back to cultural landscapes,
7 and some of the questions on it. We talked
8 about impacts. One of the problems with the
9 one-mile APE is it doesn't capture the impacts
10 so we talked about Indian Stream. You can see
11 the proposed Project from Indian Stream. If you
12 look at the Project area for Section 106 review
13 they show visual impact. If you look at
14 Dodson's analysis and DeWan's they show visual
15 impact in Indian Stream. It doesn't get
16 included for analysis because of that one-mile
17 APE. That's why it's problematic. It's one of
18 the reasons why it's problematic.

19 The other thing, this is a, Brown was
20 asking me about this or More. Sorry. The
21 question of modern intrusions. So I
22 recommended, I think it was five, I might be
23 wrong, cultural landscapes. Two of them were
24 specifically rejected because of modern

1 intrusions. So North Hill Road and Bear Rock
2 were rejected because there was too much of a
3 presence of modern intrusions so call it a
4 house, call it a cell phone tower if you will.
5 That's just an example. I don't think that
6 actually applies in this case.

7 You know, my concern, especially with
8 Indian Stream and Harvey Swell, is if the line
9 is built, Harvey Swell and Indian Stream won't
10 qualify as cultural landscapes anymore. Any
11 kind of modern intrusion that's dominant can be
12 disqualifying. And you saw it through what was
13 accepted and what wasn't.

14 You know, the final thing, I noted this in
15 some of Dodson's testimony, and it's relevant
16 now because we have some initial results. I'll
17 take you on a quick little chain, but one thing
18 that DeWan noted was that a lot of visual
19 impacts around Diamond Pond, Coleman State Park,
20 Harvey Swell didn't qualify as, the scenic areas
21 weren't of high value because they weren't
22 designated. They lacked any kind of official
23 designation, right? That's changed now. So --
24 and you can see that in, it's in the Dodson

1 report somewhere where he references that, but
2 also, you know, I would say lot of these scenic
3 impacts should, I think if DeWan were to go back
4 and redo it, they'd merit a higher evaluation.
5 That's all I have. Thank you.

6 PRESIDING OFFICER HONIGBERG: Mr. Baker?
7 Is that it?

8 MR. BAKER: That's it. Thank you.

9 PRESIDING OFFICER HONIGBERG: Thank you,
10 Mr. Petrofsky. You're free to return to your
11 seat or leave if you prefer. Before we take our
12 break, let's talk about some of the process
13 things that are happening.

14 First off, with respect to the Counsel for
15 the Public's motion on the briefing schedule,
16 we're going to grant that. We'll issue a
17 written order, but we're letting you know it's
18 being granted. Understanding the Applicant's
19 response, the Committee will be deliberating on
20 the schedule that it has. Those being the days
21 when everybody could get together following the
22 briefing schedule.

23 Next. Looking at the number of witnesses
24 we have left to go and the number of days in the

1 schedule, it looks like we will be finishing
2 with the witnesses next week. I don't know that
3 it will be on the second day that we're
4 scheduled to be together which I think is
5 Tuesday. It looks like it might roll over to
6 Thursday.

7 The expectation is that soon after the
8 witnesses are done, the parties are going to be
9 working on exhibits. I know that Mr. Iacopino
10 has had some communications with everyone.
11 Exhibits at this point are all offered. We
12 haven't accepted any of them, but we expect that
13 the overwhelming majority will be accepted
14 because there's going to be no objection. But
15 there are going to be some objections. Mr.
16 Needleman has identified some during the course
17 of examinations of various witnesses.

18 I can't dictate a specific process for you
19 to go through, but each of the parties should be
20 looking at their own exhibits, see if there's
21 any that you don't need and want to withdraw,
22 and look at the other parties' exhibits to see
23 if there's any to which you have objections.

24 We're going to ask you then as a first step

1 of the exhibits to get together and see where
2 there's agreement. There's going to be
3 overwhelming agreement. Most of these exhibits
4 are not going to be objected to by anybody. Let's
5 find out where the objections are, however long
6 that takes.

7 And then whatever is left, it will probably
8 just be me with counsel ruling on the objections
9 as to what comes in and what doesn't, and
10 hearing from the parties who are the subject of
11 that dispute as to whether they should come in
12 or not. We hope that will start on Thursday.
13 Thursday morning if we're done earlier in the
14 week. Thursday afternoon if we finish on
15 Thursday morning. And then on Friday, if we are
16 not done on Thursday. Ms. Crane, you have a
17 question?

18 MS. CRANE: Yes. Am I on?

19 PRESIDING OFFICER HONIGBERG: You are.

20 MS. CRANE: Thank you. I believe there's a
21 considerable amount of confusion among the
22 intervenors about the filing requirement with
23 respect to exhibits. There's been, the original
24 requirement was 7 thumb drives and two printed

1 copies of everything, and I'm under the
2 impression that that has not always been
3 consistently required, and I believe that there
4 are a lot of people who are planning to meet
5 whatever filing requirement is made expressly,
6 and in order to avoid a lot of unnecessary work
7 by the recipients of those, it might be useful,
8 I don't know what form of communication is
9 appropriate, but to restate whether, for
10 instance, posting on the ShareFile and having
11 notified the parties that the posting has been
12 done and a complete list is going to be good
13 enough or whether we should all be revving up
14 our printers and giving you all two more copies
15 of everything because we're not sure which
16 things we actually gave two copies of. Thank
17 you.

18 ADMINISTRATOR MONROE: So that's a good
19 question. I think it definitely has evolved
20 over time. We've been using the ShareFile site
21 for the exhibits. I think we'll be working to
22 set up a file structure there where those
23 exhibits will be, the ones that are accepted
24 will be moved over so you should ensure that

1 they're up there. We've been working with the
2 parties to make sure they're posted up on
3 ShareFile. So that will be the process, and we
4 can clarify that a little better possibly with a
5 memorandum.

6 MR. IACOPINO: Pam, do you want any paper
7 copies of exhibits?

8 ADMINISTRATOR MONROE: I don't think,
9 unless the Committee would like them, I don't
10 think I need them, so long as they're up there
11 electronically.

12 PRESIDING OFFICER HONIGBERG: Ms. Crane,
13 anything else?

14 MS. CRANE: No. I think that is answering
15 my concern. Thank you.

16 PRESIDING OFFICER HONIGBERG: Ms. Bradbury?

17 MS. BRADBURY: Yes. Is this on?

18 PRESIDING OFFICER HONIGBERG: It is now.

19 MS. BRADBURY: My question is about the
20 books that are now, we were originally filing
21 two hard copies in the books, and then we went
22 to one and then to none. So are we going to get
23 our books back which are now incomplete?

24 MR. IACOPINO: What do you mean by "your

1 books"?

2 MS. BRADBURY: They look like this, only
3 they're labeled.

4 MR. IACOPINO: So you want your three-ring
5 binders back.

6 MS. BRADBURY: I just don't want an
7 incomplete book of exhibits to be floating
8 around and be confused as being complete as
9 opposed to incomplete.

10 ADMINISTRATOR MONROE: We're going to use
11 the ShareFile. You need to make sure that your
12 exhibits are up there electronically. I am not
13 asking for any additional paper.

14 MS. BRADBURY: Okay. I got that, but are
15 these incomplete books, what will happen to
16 those incomplete books of exhibits, hard copies
17 that we had been filing?

18 ADMINISTRATOR MONROE: They're in a big
19 room at the PUC right now, and there's plenty
20 around here.

21 MS. BRADBURY: Yeah. Is there any risk
22 that they will be confused as being a full
23 exhibit book and in fact they're not?

24 PRESIDING OFFICER HONIGBERG: In light of

1 this conversation, I think the odds at least at
2 the table are zero that they will be confused
3 for a full exhibit book. I think what Ms.
4 Monroe is saying is that the ShareFile is going
5 to, has become and will continue to be the
6 repository of exhibits.

7 MS. BRADBURY: Okay.

8 PRESIDING OFFICER HONIGBERG: If there are
9 exhibits that for one reason or another don't
10 work there and have to be done on paper, we can
11 deal with those separately, but the books that
12 you're talking about, Ms. Bradbury, I'm not sure
13 obsolete is exactly the right word, but that's
14 the right concept.

15 MS. BRADBURY: Yes. Okay. Fine. Thank
16 you.

17 PRESIDING OFFICER HONIGBERG: Yes?

18 MR. WAGNER: Yes. If I can just ask a
19 clarifying question? Is there a deadline for
20 final public comment? Sorry. It's Mr. Wagner.

21 PRESIDING OFFICER HONIGBERG: I have it
22 written down, Mr. Wagner. My understanding is
23 that the statute does not have a deadline for
24 the submission of comments.

1 MR. WAGNER: Okay.

2 MR. IACOPINO: Obviously, if they're not
3 filed before the closing of the record, they
4 can't be considered.

5 PRESIDING OFFICER HONIGBERG: Ms. Crane?

6 MS. CRANE: Sorry. Does the closing of the
7 record happen with the last submitted exhibit or
8 does it happen with the disposition of the last
9 objection to an exhibit?

10 MR. IACOPINO: Barring some motion that's
11 granted to keep the record open for some reason,
12 when we finish, the anticipation is that when we
13 finish going over the exhibits and we have the
14 body of exhibits identified and defined, the
15 record will be closed at that point in time.

16 MS. CRANE: I'm sorry. So the answer was
17 after the disposition of --

18 MR. IACOPINO: Once we have all the
19 exhibits defined, any objections to exhibits
20 ruled upon so we know what the body of exhibits
21 are, that will be the close of the record.
22 Hopefully, that will be by the end of next
23 Friday, if not maybe a little bit earlier than
24 the end of next Friday.

1 MS. CRANE: Thank you.

2 PRESIDING OFFICER HONIGBERG: Anything
3 else?

4 MR. IACOPINO: The one thing that I would
5 ask is that all of the Intervenors, to the
6 extent you have not already done this, please
7 speak with Counsel for the Applicants about your
8 exhibits. And the same, I understand there's
9 already been a fair amount of discussion between
10 Counsel for the Public and the Applicant about
11 at least Counsel for the Public's exhibits, but
12 please talk to the Applicant's counsel so that
13 on Thursday and Friday next week we can do this
14 in an efficient manner.

15 PRESIDING OFFICER HONIGBERG: Mr. Aslin.

16 MR. ASLIN: Just one followup question on
17 the ShareFile. Is there a separate procedure
18 for confidential exhibits? I believe we have
19 not been putting them into the general
20 ShareFile.

21 MR. IACOPINO: They won't be on the
22 ShareFile.

23 ADMINISTRATOR MONROE: Right. They're not
24 on the ShareFile. Good question. I have no

1 answer at this moment.

2 MR. IACOPINO: We'll tell you what we're
3 going to do with them.

4 PRESIDING OFFICER HONIGBERG: Stay tuned.
5 Ms. More and then Mr. Needleman.

6 MS. MORE: Very quickly. Could you clarify
7 what you mean by speaking with the Applicant
8 about the exhibits?

9 MR. IACOPINO: Ask them if they're going to
10 object to any of your exhibits.

11 MS. MORE: So I can send them an email and
12 ask them that question.

13 MR. IACOPINO: You can do that or you can
14 walk right up to the table here and ask him.

15 MS. MORE: Okay. Just want to clarify and
16 make sure I understand the process. Heaven
17 forbid I might put my foot in the wrong place.

18 MR. IACOPINO: I don't think you will.
19 Just ask them if they're going to object to any
20 of your exhibits.

21 PRESIDING OFFICER HONIGBERG: Mr.
22 Needleman.

23 MR. NEEDLEMAN: And, Ms. More, we'd be
24 happy to speak. In fact, we'll speak to

1 anybody. Our plan is entirely consistent with
2 what you've outlined, Mr. Chair. Our goal
3 before I think this weekend is to get an email
4 to everybody, each individual group, and to
5 outline exactly what exhibits we intend to move
6 into the record and to tell each group which of
7 their exhibits we intend to object to, if any.
8 Our universe of objections will be fairly
9 limited, and we've already told some groups what
10 those objections are. There's some groups where
11 we won't have any objections to their exhibits.

12 PRESIDING OFFICER HONIGBERG: Thank you,
13 Mr. Needleman. Anything else on this topic?
14 And don't feel like if you think of a question
15 later today that you can't ask it, but are we in
16 a position to be able to take our break? Yes.
17 Ms. Menard.

18 MS. MENARD: Thank you. I was going to
19 actually raise this when I was up on a Panel. A
20 housekeeping detail for my first Prefiled
21 Testimony. When I made a correction and
22 submitted it in February, the attachments that I
23 had in my original filing didn't cross over with
24 the filing of my Prefiled Testimony. So is that

1 something that I can straighten out with Ms.
2 Monroe in terms of getting my original exhibits
3 to show when somebody pulls up my testimony that
4 the exhibits will be present with my corrected
5 version of my testimony?

6 PRESIDING OFFICER HONIGBERG: I think the
7 answer to the question is yes.

8 MS. MENARD: Okay. Thank you.

9 PRESIDING OFFICER HONIGBERG: To work that
10 out with Ms. Monroe.

11 MS. MENARD: Okay. Thank you.

12 PRESIDING OFFICER HONIGBERG: Anything else
13 before we break? All right. We will take a
14 15-minute break.

15 (Recess taken 2:58 - 3:16 p.m.)

16 PRESIDING OFFICER HONIGBERG: We have
17 witnesses in place. Would you swear them in,
18 please?

19 (Whereupon, *Roderick Moore* and *David Schrier*
20 were duly sworn by the court reporter)

21 **RODERICK MOORE, DULY SWORN**

22 **DAVID SCHRIER, SULLY SWORN**

23 PRESIDING OFFICER HONIGBERG: Mr. Baker.

24 MR. BAKER: Thank you, Mr. Chair.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DIRECT EXAMINATION

BY MR. BAKER:

Q Good afternoon, David and Roderick. David Schrier, Roderick Moore are both clients of mine in this matter.

You have each filed Prefiled Testimony in this case. Mr. Schrier's testimony is at Exhibit CS 12, and Mr. Moore's testimony is at Exhibit CS 13.

I'll start with Mr. Schrier. If you could bring that mike just a little closer, I think you'll be heard. Is it on?

A (Schrier) How's that?

Q That's great. Thank you.

On the screen in front of you is a map. It is from Applicant's --

(Discussion off the record)

Q Do you have the map in front of you now?

A (Moore) We don't. There it is.

Q Excellent. This map that's in front of you is Applicant's Exhibit 201. It's from the Project maps that were filed in August of this year, and it's at Applicant's Bates stamp number APP67764.

Do you recognize this area, Mr. Schrier?

1 A (Schrier) Yes.

2 Q Could you tell the Committee where your property
3 is as shown on this map?

4 A (Schrier) It's labeled 704. It's sort of the
5 center bottom part, right where the mouse is.

6 Q Do I have the cursor on that lot right now?

7 A (Schrier) Yes.

8 Q Okay. And if I'm correct, north is to the left,
9 south is to the right, and west, that would put
10 you on the west side of the road that's shown?

11 A (Schrier) Yes.

12 Q And that's Old County Road?

13 A (Schrier) Yes.

14 Q And is the border between Stewartstown and
15 Clarksville shown on this map?

16 A (Schrier) I believe it's that red line there.

17 Q Is my cursor running up and down that line?

18 A (Schrier) Yes.

19 Q That would be the border.

20 A (Schrier) Yes.

21 Q Okay now, in your Prefiled Testimony, Exhibit CS
22 12, is everything that you have said there in
23 that Prefiled Testimony true and accurate to the
24 best of your belief?

1 A (Schrier) Yes, it is.

2 Q Do you have any changes that you wish to make?

3 A (Schrier) No.

4 Q Do you have any additions that you wish to make
5 based on information that was unavailable to you
6 and that you've learned since then?

7 A (Schrier) There's some concerns about the burial
8 down the road, mostly concerning the thermal
9 fill that they use to pack around the
10 transmission lines. And if that would get into
11 the groundwater because there's two, there's
12 streams that sort of go underneath the road from
13 sort of the property on the other side of the
14 road, across the road, and down through my
15 property.

16 Q Is that the Hodge property that is subject to a
17 grasslands easement?

18 A (Schrier) Yes. It's 760 on the map.

19 Q Okay. And so you have concerns that water
20 flowing off that property onto your property
21 would be coming downhill and through the
22 roadbed?

23 A (Schrier) Yes.

24 Q Is there anything else?

1 A (Schrier) No.

2 Q Mr. Moore.

3 A (Moore) Yes.

4 Q I now have a new map in front of us. It's also
5 Applicant's Exhibit 201, and this one is Bates
6 stamped APP67777. Sounds like a lucky number.

7 Does this map show at least a portion of
8 the property that you own in Stewartstown?

9 A (Moore) Yes.

10 Q Could you tell the Committee where that is?

11 A (Moore) Sure. My property starts at the top
12 left-hand corner of Coleman State Park.

13 Q So do I have the cursor on a portion of your
14 property now?

15 A (Moore) Yes.

16 Q And that's in the upper right-hand corner of
17 this map, correct?

18 A (Moore) Correct.

19 Q And Coleman State Park is the parcel just below
20 us?

21 A (Moore) That's correct.

22 Q With respect to your Prefiled Testimony at
23 Exhibit CS 13, is it true and accurate to the
24 best of your knowledge and belief?

1 A (Moore) Yes.

2 Q Do you have any changes to make to that?

3 A (Moore) No.

4 Q Is there anything in addition to that that you'd
5 like the Committee to know that is based on new
6 information that you've learned since filing
7 your Prefiled Testimony?

8 A (Moore) No.

9 Q Actually, there is. Because I'm your lawyer.
10 This map that I have in front of me has an
11 attendant exhibit at the page above that. It's,
12 again, Applicant's Exhibit 201. This page is
13 marked Bates stamped APP67776, and it shows two
14 different transmission type structures that are
15 proposed for the area that goes by your
16 property. It's not on your property. But you,
17 as I understand it, have to drive underneath
18 what would be a transmission line to get to your
19 property if it is permitted and built. Is that
20 correct?

21 A (Moore) That's correct.

22 Q And if I'm reading the map correctly, I believe
23 that Transmission Station 4 involves in part the
24 construction of a tower that is a monopole, and

1 then the transmission towers portrayed on the
2 map running from west to east towards Coleman
3 State Park and then to the south to the corner
4 of Coleman State Park and then one more in just
5 south of Coleman State Park are all proposed to
6 be built on lattice towers, and then the
7 Applicant proposes going back to monopoles.

8 Assuming this Project were permitted and
9 built, do you have any preference or concern for
10 whether or not these towers get mixed and
11 matched from one type to the other?

12 A (Moore) Well, I certainly wouldn't like to keep
13 driving under those wires all the time. First
14 of all, I'd like to see them buried. I would
15 like to see that transmission station moved east
16 of Coleman State Park, if that's possible, and
17 have that line continue underground. If I'm
18 correct in assuming the line is going to come
19 underground until it comes to that transmission
20 station. Is that correct?

21 Q That is correct.

22 A (Moore) So those poles will be the first poles
23 that the lines will then go up in the air. So
24 moving that east to the other side of Coleman

1 State Park would, one, keep me from having to
2 drive under them all the time; and two, it would
3 maintain the natural beauty of that area. I
4 mean, you're going to put those lines up there,
5 that area is going to look like we're in
6 Manchester. So it's just going to devalue my
7 property and just ruin the whole area as far as
8 I'm concerned. So underground would be my first
9 choice.

10 Q Do you have a second choice?

11 A (Moore) If I had to choose I would say the
12 monopole would be the second choice.

13 Q I have no further questions of these witnesses.

14 PRESIDING OFFICER HONIGBERG: Mr. Aslin.
15 Off the record.

16 (Discussion off the record)

17 PRESIDING OFFICER HONIGBERG: Looks like
18 you're it, Mr. Aslin.

19 MR. ASLIN: Thank you, Mr. Chairman.

20 **CROSS-EXAMINATION**

21 **BY MR. ASLIN:**

22 Q Good afternoon, gentlemen. My name is Chris
23 Aslin. I am designated as Counsel for the
24 Public in this proceeding.

1 I just have a few questions to follow up on
2 your Prefiled Testimony, and I guess we've
3 already identified where your properties are for
4 the Subcommittee so that's, I think, fresh in
5 their mind.

6 Mr. Schrier, in your testimony, you state
7 that you've deferred improvements on your
8 property as a result of the pendency of this
9 Project. Is that correct?

10 A (Schrier) That's correct.

11 Q What kind of improvements would you have been
12 making if not for this Project?

13 A (Schrier) Well, my longer term goal is to build
14 a house there and to retire to that.

15 Q And currently there's no house on the property?

16 A (Schrier) There's sort of a three-season camp.

17 Q So you would be planning to upgrade to a more
18 year-round retirement home?

19 A (Schrier) Yes.

20 Q Thank you. And if I understand your testimony,
21 you've decided not to make that investment
22 because of the concern about this Project going
23 in. If the Project were built, I understand you
24 have concerns about the construction, but the

1 Project will be underground through this section
2 in front of your property; is that correct?

3 A (Schrier) Yes.

4 Q Is it your position that after the Project is
5 built that would still cause an interference
6 with your use of your property?

7 A (Schrier) Well, the possibility of groundwater
8 contamination from the thermal fill, and there's
9 still the, still going to be transmission towers
10 visible to and from the property so.

11 Q So not the direct effect, visual effect, on your
12 property but nearby.

13 A (Schrier) Yes.

14 Q And you state in your testimony that this
15 portion of Old County Road is, it's a locally
16 maintained road, that's correct?

17 A (Schrier) No.

18 Q It's not a locally maintained road.

19 A (Schrier) No. The town doesn't plow it in the
20 winter.

21 Q Sorry. I was trying to make a distinction
22 between State road and locally maintained road.

23 A (Schrier) Oh, okay.

24 Q Is it your understanding that this is not a

1 State road?

2 A (Schrier) I don't think it's a State road.

3 Q And you make the statement in your testimony
4 that there has been no, has been no eminent
5 domain or other taking of the right-of-way here,
6 and I interpret that to mean that your
7 understanding is that this is a prescriptive
8 road, meaning only the part that's been traveled
9 and improved by the town is subject to a town
10 right-of-way?

11 A (Schrier) Yes.

12 Q And, therefore, you have a concern that the
13 Project will be infringing on your property; is
14 that correct?

15 A (Schrier) Yes.

16 Q Do you have, what's the basis for your
17 understanding about the status of the road as
18 being essentially just a prescriptive roadway?

19 A (Schrier) My understanding, it's a Class VI
20 road. It's not maintained by the state or the
21 town.

22 Q Do you have an opinion about the width of the
23 roadway that's currently used by the town? In
24 other words, the pavement, well, is your section

1 of the road paved?

2 A (Schrier) It's dirt.

3 Q So the traveled way and any shoulders and
4 drainage that are associated with that?

5 A (Schrier) Yes. I mean, the road is not wide
6 enough for two cars to pass. Somebody's got to
7 pull off the road if there's, if you meet on
8 that road.

9 Q Okay. And are there, well, it's not maintained
10 by the town but are there drainage ditches or
11 other improvements to the road that have been
12 made at some point in the past?

13 A (Schrier) Typically in the springtime, one of
14 the towns, I don't know if it's Stewartstown or
15 Clarksville, they drive a grader down that road.
16 To my knowledge, that's the extent of what they
17 do to the road.

18 Q Okay. So would I be correct in interpreting
19 your position to be that the extent of the
20 right-of-way, the public right-of-way in that
21 area is just the width of the dirt road and any
22 small ditch at the very edge?

23 A (Schrier) Yes.

24 Q Okay. Thank you. You've also included in your

1 testimony some discussion about the lack of
2 permission for a private entity such as the
3 Applicant to construct along this road without
4 permission of the town. Is that correct?

5 A (Schrier) Yes.

6 Q And that's your understanding of the state of
7 the law?

8 A (Schrier) Yes.

9 Q And you reference that the Applicant would
10 either need a license from the town or a court
11 order in order to have permission. Is it your
12 testimony that they, that the -- strike that.

13 Do you have an intent, you mentioned in
14 your testimony an intent to potentially bring
15 legal action over that issue. Is that your
16 intent if the Project were approved?

17 A (Schrier) Yes.

18 Q Okay. But you have not taken any legal action
19 to date?

20 A (Schrier) No.

21 Q Part of your testimony regards your objection to
22 construction disruptions along this section of
23 the road. Do you have an understanding as you
24 sit here today of how much of a disruption it

1 will be in terms of potential road closures
2 along this portion of the road or simple delays
3 caused by the construction?

4 A (Schrier) Apparently they bore 1500 feet so they
5 would need to have heavy equipment in the
6 roadway, I assume, every 1500 feet or so. The
7 road isn't very wide so I don't know how wide
8 their equipment is, but I would expect it to be
9 as wide as the road is.

10 Q So it's your expectation that while construction
11 activities are being conducted, there may be an
12 inability to pass those construction vehicles?

13 A (Schrier) Yes.

14 Q Okay. But you don't have any specific
15 understanding of how long that process will take
16 or how long a disruption may exist on your road?

17 A (Schrier) No.

18 Q And do I understand correctly that you primarily
19 access your property from Route 145?

20 A (Schrier) Most of the time, yes.

21 Q If the access point on the north where Old
22 County Road meets 145 were disrupted or blocked
23 due to construction, do you have an alternative
24 access?

1 A (Schrier) Yes. You can come up the other way.

2 Q And what side road would you come on to get to
3 Old County Road?

4 A (Schrier) I don't know the name of the road, but
5 there's a, if you're coming up 145 you can turn
6 in several miles up and then sort of come up the
7 back side of Old County Road.

8 Q Okay. Is that access, is the road coming from
9 that direction similar in condition as the
10 portion of Old County Road that you live on?

11 A (Schrier) Probably the first mile on that road
12 is similar to 145, and then it gets narrow just
13 like the other end of Old County Road.

14 Q And is that access maintained by the Town?

15 A (Schrier) It is.

16 Q Have you had any communications with the
17 Applicant or their representatives about the
18 issue of constructing the Project within the
19 roadway along the edge of your property?

20 A (Schrier) No.

21 Q So no outreach by the Applicant?

22 A (Schrier) No.

23 Q And have you reached out to the Applicant to
24 raise your concerns other than filing your

1 testimony in this case?

2 A (Schrier) Just my testimony.

3 Q Okay. Thank you.

4 Mr. Moore. A few questions for you as
5 well.

6 A (Moore) Yes, sir.

7 Q What I think I want to do, I'm going to pull up
8 the map that Attorney Baker showed you a minute
9 ago to orient us. As I understand it from your
10 testimony, your parcel which we saw just a small
11 sliver of is actually 240-plus acres?

12 A (Moore) That's correct.

13 Q And so on the map that we're looking at now
14 which is Applicant's Exhibit 201, and APP 67777,
15 you identified earlier that your property is
16 the, the portion of your property shown here is
17 a small triangular piece above the green area of
18 Coleman State Park?

19 A (Moore) That's correct.

20 Q Where does your property go from there?

21 A (Moore) It goes straight up the hill known as
22 Paul's Hill, and it goes up as far as the
23 transmission tower that you can see from the
24 opposite side of Diamond Pond Road. So it,

1 again, is bordered again at the top by more
2 property of Coleman State Park or the state of
3 New Hampshire.

4 Q So it borders the State Park all the way up?

5 A Pretty much. Pretty much along the east and
6 the, I would say, northern portion of it.

7 Q Okay. And then your access, your only access
8 point to your property is this right-of-way
9 here?

10 A (Moore) Our only access is a deeded right-of-way
11 that runs parallel to Coleman State Park. Yeah.
12 So basically, where it looks like DC 117 and
13 118, we would have to, if those towers are going
14 to be put in there we would have to somehow get
15 in and out of there if there was construction
16 there.

17 Q And you have a deeded right-of-way.

18 A (Moore) Correct.

19 Q And is that to cross the parcel that's shown to
20 the left?

21 A (Moore) Our deeded right-of-way runs from
22 Diamond Pond Road westerly all the way down
23 Heath Road to that point at the corner there
24 where Coleman State Park, Heath Road, and where

1 that DC 118, that tower would be.

2 Q Okay.

3 A (Moore) And then northerly from there.

4 Q Okay. And the portion that's northerly, well,
5 I'm not sure north -- top of the page.

6 A (Moore) I'm thinking it's north.

7 Q From Heath Road here but along the edge of
8 Coleman State Park, do I understand correctly
9 that your deeded right-of-way is not on the
10 state parcel, it's on the parcel that's shown
11 here to the left of that?

12 A (Moore) Yes. Correct. It goes right along it.
13 There's an old stone wall right along the edge
14 of Coleman State Park.

15 Q Okay.

16 A (Moore) We have, I believe it's a 40-foot, if
17 I'm correct, Mr. Baker, 40-foot thereabouts wide
18 deeded right-of-way. The only people that
19 maintain it are us. We spend tens of thousands
20 of dollars since we've owned the property
21 ditching it, bringing in gravel, and maintaining
22 it so that we can get up to our property.

23 Q Do you know who owns this parcel at this time?

24 A (Moore) Which?

1 Q The parcel shown here where the Project is
2 proposed.

3 A (Moore) To the left of?

4 Q Of Coleman State Park, yes.

5 A (Moore) It used to be Burleigh Placey's but as
6 far as I know now it's now owned by the Northern
7 Pass.

8 Q And are you familiar with a company named
9 Renewable Energy Properties?

10 A (Moore) Correct. Yes.

11 Q So what you should be seeing now is another
12 Project map. This is part of Applicant's
13 Exhibit 200 which is the Alteration of Terrain
14 Maps, and this is Bates stamped APP67327. And
15 you should see that this is the same location
16 along Heath Road where the Project jogs down
17 around the edge of Coleman State Park, correct?

18 A (Moore) Correct.

19 Q Do you see here that there are access roads
20 marked with red lines?

21 A (Moore) Yes.

22 Q Those are proposed access roads.

23 If I understood your testimony a minute
24 ago, your right-of-way comes in just at the

1 bottom corner of the Coleman State Park parcel?

2 Is that accurate?

3 A (Moore) Yes.

4 Q Do you see to the left of that corner the
5 proposed access road, short one coming off of
6 Heath Road?

7 A (Moore) I see that. Yes.

8 Q Where is your right-of-way in relation to that
9 access road?

10 A (Moore) It would be to the right of that.
11 Basically where the corner property line meets
12 right there.

13 Q Okay.

14 A (Moore) Where Heath Road, Coleman State Park,
15 and Renewable Energy's property meet.

16 Q Do you see the work area that is outlined with
17 the orange hashed line?

18 A (Moore) Okay. If that is what a work area is
19 being defined as, yes, I see those.

20 Q It's called a temporary construction pad on this
21 map, but it's a work area for one of the
22 structures. Would your access to your property
23 pass directly through that?

24 A (Moore) Yes.

1 Q Have you had any communications with the
2 Applicant about maintaining your access to your
3 property or any of your concerns about the
4 Project?

5 A (Moore) We have not.

6 Q Have they, have you received any letters or any
7 communications at all?

8 A (Moore) The only communication we received was
9 several years ago. They made an offer to
10 purchase.

11 Q Okay.

12 A (Moore) Which we refused.

13 Q Other than your Prefiled Testimony, have you
14 had, have you made any outreach to the
15 Applicant?

16 A (Moore) No. We have not.

17 Q Thank you. Mr. Moore, there's been some
18 testimony in this proceeding about the location
19 of Transition Station 4 which now we're looking
20 back at the previous map which is part of
21 Applicant's Exhibit 201. And you see there's a
22 dotted line on the left-hand side by the label
23 DC 4 C1 B. That's the current proposed location
24 of Transition Station 4. Do you understand

1 that?

2 A (Moore) One second. I've got to put my glasses
3 on to see that. DC, which one was it?

4 Q It's the one on the very left of the page.

5 A (Moore) Okay. Yes.

6 Q Do you understand that's the proposed location
7 of the transition station?

8 A (Moore) Yes.

9 Q There's been some testimony from Mr. Thompson
10 that a better location for that transition
11 station would be, I guess it would be to the
12 south, but I'll just say to the right on this
13 map over towards where, if I understand the
14 testimony, over towards the fields that are
15 indicated near tower DC 4 C 6. And I'll
16 represent that the testimony was that that would
17 isolate the view of this transition station
18 further from the Bear Rock Road area and the
19 more traveled ways in this part of town.

20 If that transition station were to be moved
21 closer to your access way, would I be correct in
22 assuming that you would not be in favor of that?

23 A (Moore) I wouldn't be in favor of having it
24 there. I would be in favor of it being, and

1 it's actually east. I would be in favor of it
2 being even further east on the opposite side of
3 Coleman State Park.

4 Q Okay.

5 A (Moore) Closer to Diamond Pond Road.

6 Q Okay. Thank you.

7 A (Moore) You're welcome.

8 Q I have no further questions. Thank you very
9 much, gentlemen.

10 A (Moore) Thank you.

11 PRESIDING OFFICER HONIGBERG: There are no
12 other Intervenors who indicated they had
13 questions for this Panel so I'll turn to the
14 Applicant.

15 MR. WALKER: We have no questions,
16 Mr. Chairman.

17 PRESIDING OFFICER HONIGBERG: Does any
18 member of the Subcommittee have questions for
19 these witnesses? Seeing none, Mr. Baker, do you
20 need to follow up on anything in light of Mr.
21 Aslin's questioning?

22 MR. BAKER: I have no further questions.

23 PRESIDING OFFICER HONIGBERG: All right.
24 Thank you, gentlemen. You can return to your

1 seats.

2 A (Schrier) Thank you.

3 A (Moore) Thank you.

4 PRESIDING OFFICER HONIGBERG: While the
5 next group of witnesses comes up, Mr. Needleman,
6 I think there was an outstanding issue from the
7 other day.

8 MR. NEEDLEMAN: Yes. Thank you, Mr. Chair.
9 At some point the other day, you had asked me to
10 get more information about the issue that had
11 been raised of the revised maps from August of
12 2017 which showed access roads along the
13 right-of-way that had the aprons at
14 intersections of Class V and Class VI roads.
15 After you asked me do that, at the break I
16 talked to Mr. Johnson. You remember that Mr.
17 Johnson oversees the Burns & McDonnell team
18 working on the Project which includes the people
19 that create those maps. And I asked Mr. Johnson
20 to explain to me why those maps are drawn as
21 they are.

22 And what he told me was that they had
23 gotten feedback from several towns regarding the
24 original version of the map that showed the road

1 running through the right-of-way directly over
2 those roads, that the towns were unhappy that it
3 was indicated that way. It created the
4 perception that they were going to drive right
5 across those roads, not stop, something like
6 that.

7 And so in response to that feedback when
8 the maps were redone in August and then
9 submitted, they were drawn like that. I asked
10 him why the aprons and he said that whenever
11 they have a road coming to an intersection of
12 another road, they just draw it like that. He
13 said it was not intended to indicate that that
14 was now going to become a new access point, and
15 that was the extent of our conversation.

16 COMMISSIONER BAILEY: So how are we
17 supposed to know when the apron signifies an
18 access road and when it doesn't?

19 MR. NEEDLEMAN: There's a list of access
20 roads that was included in the original
21 Application, and those are all of the roads that
22 are intended by the Project to be used as access
23 roads, and none of those changed.

24 COMMISSIONER BAILEY: So when we look at

1 the map, we also have to look at that list?

2 MR. NEEDLEMAN: That's correct, and we can
3 correlate those if you'd like. To the extent
4 the Committee wants some sort of specific
5 representation about that, we could provide that
6 also.

7 COMMISSIONER BAILEY: I think that would be
8 helpful. Can you tell me what exhibit the list
9 is in? Is it Exhibit 1?

10 MR. NEEDLEMAN: I believe it's Exhibit 1.
11 I can't tell you as I sit here, but I'll get
12 that, and we'll give it to you today.

13 COMMISSIONER BAILEY: Thank you.

14 PRESIDING OFFICER HONIGBERG: Thank you,
15 Mr. Needleman.

16 MR. WHITLEY: Mr. Chair?

17 PRESIDING OFFICER HONIGBERG: Mr. Whitley?

18 MR. WHITLEY: In response to what Mr.
19 Needleman just stated, would it be possible to
20 get Mr. Johnson's explanation in a written
21 submission to the SEC and the parties rather
22 than having Mr. Needleman do it on the record?

23 PRESIDING OFFICER HONIGBERG: Mr.
24 Needleman?

1 MR. NEEDLEMAN: If the Committee wants it,
2 we'll get it to you. It's not going to be any
3 different, I don't think so.

4 PRESIDING OFFICER HONIGBERG: Mr. Whitley,
5 what are you thinking?

6 MR. WHITLEY: Well, I feel like that Mr.
7 Needleman has just conveyed some facts that are
8 relevant to what the SEC is going to be
9 considering, and he's not a witness. I
10 understand he's reporting what was told to him
11 by his witness, but I'm just trying to have
12 something from an actual witness before the SEC.

13 MR. NEEDLEMAN: I would say it's different
14 than that, and I think that our response to the
15 request that Commissioner Bailey made is going
16 to put this issue into the record the way it
17 needs to be there.

18 PRESIDING OFFICER HONIGBERG: I actually
19 think that's probably correct. I think if in
20 responding to Commissioner Bailey, the Applicant
21 can convey the information that you just
22 conveyed, that will satisfy Mr. Whitley's
23 concern. And he's nodding his head in agreement
24 which is always encouraging.

1 (Whereupon, *Jeanne Menard, Madelyn Foulkes,*
2 *Thomas Foulkes, F. Maureen Quinn, Charlotte*
3 *Crane, Heather Townsend,* and *Elisha Gray* were
4 duly sworn by the court reporter)

5 **JEANNE MENARD, DULY SWORN**

6 **MADELYN FOULKES, SWORN**

7 **THOMAS FOULKES, DULY SWORN**

8 **F. MAUREEN QUINN, DULY SWORN**

9 **CHARLOTTE CRANE, DULY SWORN**

10 **HEATHER TOWNSEND, DULY SWORN**

11 **ELISHA GRAY, APPEARING BY FACETIME, DULY SWORN**

12 PRESIDING OFFICER HONIGBERG: My
13 understanding is we're starting with Mr. Gray.
14 Ms. Dore will ask you some questions, Mr. Gray,
15 to get your Prefiled Testimony into the record.

16 **DIRECT EXAMINATION OF ELISHA GRAY**

17 **BY MS. DORE:**

18 Q Mr. Gray, can you hear me? Mr. Gray, can you
19 hear me?

20 A (Gray) Yes, I can. Let me ask which is better
21 for you to hear me. I'm talking into the cell
22 phone. But now I'm talking into the FaceTime
23 computer.

24 Q Cell phone.

1 A (Gray) Okay. Got it.

2 Q You have to mute the FaceTime.

3 A (Gray) Okay. I'll do that. How about that?

4 Q Okay. Hold your phone closer to your mouth and
5 try. Say something.

6 A (Gray) Just a second.

7 Q Okay. Good.

8 A (Gray) Okay.

9 Q Okay. Mr. Gray, can you please state your full
10 name for the record?

11 A (Gray) Elisha Gray.

12 Q And Mr. Gray, did you file Prefiled Testimony
13 with this Subcommittee?

14 A (Gray) Yes.

15 Q And was it filed as AD-N-ABTR Exhibit number 41?

16 A (Gray) That's correct.

17 Q Do you have any amendments to that Prefiled
18 Testimony?

19 A (Gray) Would you repeat that?

20 Q Do you have any changes or amendments to that
21 Prefiled Testimony?

22 A (Gray) No.

23 Q And do you adopt it and swear to it as your
24 testimony today?

1 A (Gray) Yes.

2 Q Okay.

3 PRESIDING OFFICER HONIGBERG: So my
4 understanding is now any other Intervenors who
5 have questions for Mr. Gray, now is the time to
6 ask them.

7 Mr. Aslin, do you have questions for
8 Mr. Gray?

9 MR. ASLIN: Yes, Mr. Chairman. Just a
10 couple.

11 PRESIDING OFFICER HONIGBERG: Let's go off
12 the record for a second.

13 (Discussion off the record)

14 PRESIDING OFFICER HONIGBERG: Mr. Aslin
15 from the Attorney General's office is going to
16 ask you some questions. Mr. Aslin.

17 MR. ASLIN: Thank you, Mr. Chairman.

18 **CROSS-EXAMINATION OF ELISHA GRAY**

19 **BY MR. ASLIN:**

20 Q Mr. Gray, are you able to hear me okay?

21 A (Gray) Would you repeat that? I'm sorry. I
22 heard just my name.

23 Q Yes. Are you able to hear me?

24 A (Gray) Would you try it again?

1 (Discussion off the record)

2 Q So my name is Chris Aslin, and I am acting as
3 Counsel for the Public in this proceeding, and
4 I'm just going to ask you a couple quick
5 questions.

6 A (Gray) Sure.

7 Q Your property is located on Blake Hill Road in
8 New Hampton, correct?

9 A (Gray) That's correct.

10 Q And as I understand your testimony, the sort of
11 two areas of concern that you've raised are the
12 impact to your view from your property and the
13 impact to your property value. Is that a fair
14 assessment?

15 A (Gray) That's a fair assessment.

16 Q Okay. Thank you. Do you have your testimony in
17 front of you?

18 A (Gray) Yes.

19 Q Okay. You included in your testimony a map that
20 shows the location of your property. Do you
21 have that?

22 A (Gray) Yes. I do.

23 Q We're going to put it on the screen here. You
24 won't be able to see it on the screen, but you

1 should have it in front of you.

2 A (Gray) I have it in front of me.

3 Q Very good. I understand that your property is
4 the area where the yellow push-pin icon is
5 located; is that correct?

6 A (Gray) That's correct.

7 Q And is that field that's shown there part of
8 your property?

9 A (Gray) That is the property. Yes.

10 Q Okay. Thank you. And if I understand
11 correctly, the topography along this area is
12 that your property is up on a hill above the
13 river; is that correct?

14 A (Gray) Yes. It's rising up from the
15 Pemigewasset Valley.

16 Q And then across the river, the current
17 transmission right-of-way also goes up a hill;
18 is that correct?

19 A (Gray) Yes.

20 Q So from your property today, are you able to see
21 the existing right-of-way and transmission
22 structures across the river from your property?

23 A (Gray) I don't see any poles. I can see a
24 little bit of cleared land.

1 Q Okay. And is it your testimony that you will be
2 able to see both -- well, you'll be able to see
3 towers if the Project is constructed across the
4 river?

5 A (Gray) Yes. They'll be towers DC 1206 through
6 DC 1215.

7 Q Okay.

8 A (Gray) Probably not all of those but some of
9 those.

10 Q Some of those. Okay. You also include in your
11 testimony reference to the Town of New Hampton
12 Selectboard referencing your property as one
13 that was expected to be impacted in terms of
14 property values; is that correct?

15 A (Gray) That's correct. I'd like to make one
16 clarification, and I believe that that property
17 was, that I mentioned then was referred to by
18 Neil Irvine who testified for New Hampton
19 several days ago. I think he mentioned four
20 properties. And the specific property -- let
21 me back up.

22 The property that we're speaking of now is
23 the residue of Highland Hill Farm. Highland
24 Hill Farm is the property on the map is called

1 809 Blake Hill Road. We sold that farm except
2 for the residual property where the yellow pin
3 is. And since we own just the yellow pin now,
4 I'm representing that, and when Mr. Irvine
5 referred to the effect on the view, I think he
6 was referring to all parts of those properties
7 including 809 Blake Hill Road and the subject
8 property.

9 Q Okay. Thank you for that clarification,
10 Mr. Gray. Other than the opinion of the New
11 Hampton Board of Selectmen, do you have any
12 other basis for your belief that the Project if
13 constructed would result in a reduction in the
14 property value of your property?

15 A (Gray) Well, since the Selectmen determine what
16 the assessment will be at the end of, I have not
17 done any further independent study of that.

18 Q Okay. Thank you very much.

19 A (Gray) So the answer to that would be no.

20 Q Thank you, Mr. Gray. I have no further
21 questions for you. Some others may so please
22 hold on.

23 A (Gray) Thank you.

24 PRESIDING OFFICER HONIGBERG: Who else has

1 questions for the witness? Anyone, Mr. Gray?
2 Anyone? All right.

3 Mr. Needleman, you have no questions?

4 MR. NEEDLEMAN: No.

5 PRESIDING OFFICER HONIGBERG: Anyone on the
6 Subcommittee have questions for Mr. Gray? Put
7 him somewhere where he's going to be able to
8 hear us.

9 Mr. Gray, it appears that no one else has
10 questions for you. So I think we are done
11 with --

12 MR. GRAY: Well, let me express my thanks
13 for you going to extraordinary lengths to link
14 me in for what turned out to be pretty
15 insignificant in view of things. I thank you
16 very much for your accommodation.

17 PRESIDING OFFICER HONIGBERG: It's our
18 pleasure to try and work with you on this. With
19 that, I think you're free to go and go on about
20 your business.

21 All right. So let's pick up with the rest
22 of the Panel. Ms. Dore, I'm handing it back to
23 you.

24 **DIRECT EXAMINATION CONTINUED**

1 **BY MS. DORE:**

2 Q Okay. So it's my understanding that each of you
3 have some Supplemental Prefiled Testimony so
4 what we're going to do is that we're going to
5 get your Prefiled Testimonies and Supplemental
6 Testimony in the record, and then each of you
7 are going to testify about your Supplemental
8 Testimony. Okay?

9 Ms. Quinn, can you please state your full
10 name for the record?

11 A (Quinn) Frances Maureen Quinn.

12 Q And did you file a Prefiled Testimony and
13 Supplemental Prefiled Testimony with this
14 Subcommittee?

15 A (Quinn) Yes, I did.

16 Q And they were marked as ADN Abutter number 1 and
17 number 4; is that correct?

18 A (Quinn) That is correct.

19 Q And do you have any amendments or changes to
20 your Prefiled Testimony and Supplemental
21 Testimony?

22 A (Quinn) Yes. I do.

23 Q Can you please identify those?

24 A (Quinn) Sure. On page 5 of my Prefiled

1 Testimony, in my final comment section, I wish
2 to replace one sentence, and that is the
3 sentence that begins, "It will rely on a source
4 of energy." I'd like to replace that sentence
5 with the following: "Recent evidence published
6 in the journal Bioscience reveals that emissions
7 of carbon dioxide and methane from manmade
8 reservoirs contribute significantly to global
9 greenhouse gas emissions. This evidence
10 detracts from Northern Pass's claims that this
11 Project is green energy."

12 Q Do you have any other changes or amendments?

13 A (Quinn) No, I do not.

14 Q Do you adopt and swear to your Prefiled
15 Testimony and Supplemental Prefiled Testimony
16 and file those testimonies as your testimony
17 today?

18 A (Quinn) Yes, I do.

19 Q Okay. Mr. Foulkes and Ms. Crane, could you
20 please state your name for the record?

21 A (Crane) I think you probably have us -- did you
22 mean to be speaking with Heather Townsend and
23 Charlotte Crane now? We're together. Separate
24 from Mr. Foulkes.

1 Q I'm doing it in the order that you gave me, but
2 I can follow the order. Ms. Townsend and Ms.
3 Crane, could you please state your full name for
4 the record?

5 A (Townsend) I'm Heather Mary Townsend.

6 A (Crane) Charlotte Crane. I have no middle name.

7 Q And did you file Prefiled Testimony with this
8 Subcommittee?

9 A (Crane) Yes.

10 Q And was it filed as AD-N-ABTR number 28?

11 A (Crane) Yes.

12 Q Do you have any amendments to that Prefiled
13 Testimony?

14 A (Crane) I'm sorry. These are the corrections
15 that I'm telling you now.

16 Q That's okay.

17 A (Crane) Ignoring many embarrassing typos and
18 punctuation errors. On page 3 the paragraph
19 that begins "during our early childhood," the
20 first two lines should be changed to read, "When
21 most of our generation were children, the
22 Pemigewasset River was too polluted to be
23 considered a valuable recreational resource.
24 However, by the time the eldest of us reached

1 adulthood, the Pemigewasset had become clean
2 again."

3 And on the 6th page, the paragraph
4 beginning "both family members," the fourth line
5 of that paragraph in the parentheses should
6 read, "in Bristol overlooking New Hampton,"
7 rather than the other way around. Thank you.

8 Q Okay. And as amended and corrected, do you
9 adopt and swear to that Prefiled Testimony as
10 your testimony today?

11 A (Townsend) I do, yes.

12 A (Crane) Yes.

13 Q Thank you. Ms. Foulkes and Mr. Foulkes, could
14 you please identify your full name for the
15 record?

16 A (M. Foulkes) I'm Madelyn Foulkes.

17 A (T. Foulkes) Tom Foulkes.

18 Q Thank you. And did you file a Prefiled
19 Testimony and Supplemental Prefiled Testimony
20 with this Subcommittee?

21 A (M. Foulkes) Yes, we did.

22 Q And were they filed as Exhibit AD-N-ABTR number
23 16 and 17?

24 A (T. Foulkes) Yes.

1 Q And do you have any corrections or amendments to
2 the Prefiled Testimony you filed?

3 A (T. Foulkes) I have an amendment to the --
4 actually, I had more filings than that. I had a
5 filing 19 which is the Sudbury, and that would
6 have been, in addition I wanted to, it's not an
7 additional filing but a correction to that
8 filing.

9 Q So number 19 was a correction to one of your
10 Prefiled Testimonies?

11 A (T. Foulkes) No. I had filed it and something
12 did not take when I uploaded it. It would be
13 Sudbury would have been the study.

14 A (M. Foulkes) Two pages did not print.

15 A (T. Foulkes) They wouldn't copy. They wouldn't
16 PDF for some reason or other.

17 Q So while we're working on that, let's talk about
18 the testimony that we'll address for right now.
19 Do you have an answer?

20 A (Crane) I believe that the version of the
21 Prefiled Testimony that appears on the docket is
22 complete. So if we want to finesse this problem
23 by simply referring to that. I don't know --

24 Q So it appears that I have a document right now,

1 and you're saying that you downloaded that and
2 it doesn't have an exhibit number on that. So
3 is that a part of your Prefiled Testimony or a
4 separate exhibit you would like to file with the
5 Subcommittee?

6 A (T. Foulkes) I'll, the easiest thing would be to
7 make it an addition.

8 Q Excuse me?

9 A (T. Foulkes) The easiest thing would just make
10 it an addition to the testimony.

11 Q Okay. So do you want to make it an addition to
12 your Supplemental Prefiled Testimony?

13 A (T. Foulkes) Yes.

14 Q Do you have any other corrections to your
15 Prefiled Testimony and Supplemental Prefiled
16 Testimony?

17 A (T. Foulkes) One other thing I'd like to file
18 but no additional corrections.

19 Q Okay. So do you adopt your Prefiled Testimony
20 and Supplemental Prefiled Testimony, with that
21 supplement that's' going to be attached to your
22 Supplemental Prefiled Testimony as your true
23 testimony today and do you swear to it?

24 A (T. Foulkes) Yes.

1 Q Ma'am, can you please speak?

2 A (M. Foulkes) Yes. Thank you.

3 Q Ms. Menard can you please state your full name
4 for the record?

5 A (Menard) Jeanne N. Menard.

6 Q Did you file the Prefiled Testimony on behalf of
7 Pawtuckaway View?

8 A (Menard) Yes.

9 Q And was it filed as AD-N-ABTR number 27?

10 A (Menard) Yes.

11 Q Do you have any corrections to that testimony?

12 A (Menard) No. I do not.

13 Q And do you swear to it and adopt the Prefiled
14 Testimony as your true testimony today?

15 A (Menard) Yes.

16 Q Okay. So it's my understanding that each of you
17 have additional testimony today so I'm going to
18 call you in order you would like to testify.
19 And the first on the list I have Webster family.
20 So Heather Townsend and Ms. Crane.

21 A (Townsend) I'd like to start if I may. Heather
22 Townsend.

23 Q Absolutely.

24 A (Townsend) Okay. I have a few exhibits which

1 are going to come up on the ELMO. Our family
2 has lived beside the Pemigewasset for several
3 generations, and I'd like to give you a sense of
4 the lived experience in a few snapshots.

5 PRESIDING OFFICER HONIGBERG: Hang on, Ms.
6 Townsend.

7 MR. NEEDLEMAN: Mr. Chair, I'm going to
8 object to the extent this is not new information
9 or directly related to post April 17th material.

10 PRESIDING OFFICER HONIGBERG: Ms. Townsend,
11 what are you responding to with the new
12 testimony?

13 A (Townsend) With this Exhibit, I am responding to
14 the claim that under the cross-examination of
15 Widell, Ms. Widell said that she had seen that
16 there was a Webster toll bridge in the
17 Bridgewater Town Report but not sought to find
18 out where it was. This is clarification of
19 that.

20 PRESIDING OFFICER HONIGBERG: You may
21 proceed.

22 A (Townsend) Thank you. When our ancestor came to
23 the region, he followed the river north. When
24 our great great grandfather was farming at

1 Webster Farms --

2 PRESIDING OFFICER HONIGBERG: I'm sorry,
3 Ms. Townsend. What's the part that responds to
4 Ms. Widell? Without the family history.

5 A (Townsend) He built a toll bridge. This is the
6 Webster toll bridge Ms. Widell in questioning
7 said that she did see in the Bridgewater town
8 record but did not try to locate. It is at
9 Sawhegenet Falls across the field from the
10 right-of-way. Okay.

11 The bridge is depicted in our, what is up
12 right now. AD-N-ABTR Exhibit 52 as a
13 photograph. That's page 66 of Exhibit 52. But
14 with identification in its published form in
15 Granite Monthly, we will enter this photo as
16 AD-N-ABTR Exhibit 64. This is important because
17 of the label.

18 So the Pemigewasset tends to laugh at such
19 things and washed out the bridge. It did not
20 get rebuilt, leaving the abutments and island in
21 the middle of the river that are still at
22 Sawhegenet close to the right-of-way. Just as a
23 reminder that the Pemi continues to laugh at
24 proximate or low lying development, I'd like to

1 show again two photos taken in October of this
2 year which I showed when questioning the
3 Arrowwood Panel on November 6th. I incorrectly
4 labeled that exhibit as AD-N-ABTR 56 at the
5 time, but now correctly label the photo as
6 AD-N-ABTR Exhibit 61, pages 1 and 2. The photos
7 show flooding from the Pemigewasset which washed
8 over Route 3 just south of Plymouth and washed
9 over fields beside the River Road in Bristol on
10 October 30th, 2017.

11 And now I'd like to show an illustration
12 that I put up on the ELMO when questioning the
13 Applicant's Environmental Panel on June 26th,
14 Hearing Day 20, and did not label as an exhibit
15 at the time. In the transcript I introduced
16 this in Day 20, morning session, page 6, line
17 10. I would like to now enter it as AD-N-ABTR
18 Exhibit 60. This information is all drawn from
19 the Appendix 1 to the Application, Sheet 124
20 through 136. I'll note again just how close the
21 towers, close to the river the towers approach.

22 MR. NEEDLEMAN: Mr. Chair, it's just not
23 clear to me what this is responding to.

24 PRESIDING OFFICER HONIGBERG: Ms. Townsend,

1 what is the testimony that you're responding to?

2 A (Townsend) This is in response to the event of
3 the flooding. I'm pointing back to this
4 illustration which shows the proximity of towers
5 to the river.

6 PRESIDING OFFICER HONIGBERG: So this is
7 related to the photos you showed just a moment
8 ago?

9 A (Townsend) Correct.

10 PRESIDING OFFICER HONIGBERG: Okay.

11 A (Townsend) So if Jo Anne would not mind pointing
12 to the points 3. Yes. And 5. Those are points
13 of concern. One is near Sawhegenet and the next
14 is not a river crossing, but it is a very close
15 approach just before the right-of-way crosses
16 93. That happens to be the tower that will be
17 most likely visible from Sawhegenet.

18 When my grandmother was a child she built a
19 tree house just below the plateau overlooking
20 the Pemi. It was far enough away from the
21 houses and close enough to the river for her to
22 feel alone in the wilderness. Over subsequent
23 years --

24 MR. NEEDLEMAN: Mr. Chairman, I'm going to

1 object to this.

2 PRESIDING OFFICER HONIGBERG: Ms. Townsend?
3 What are we responding to now?

4 A (Townsend) I had the understanding that I was
5 able to ask myself questions and testify.

6 PRESIDING OFFICER HONIGBERG: You are
7 testifying, but the subject matter of your
8 Supplemental Direct Testimony has to be
9 something to respond to new information. The
10 historical information if it's necessary to
11 become part of an explanation of what you're
12 responding to is maybe something that can be
13 included, but in general, that should have been
14 included in your Original Testimony.

15 A (Townsend) So I'm responding to the lack of
16 information in the visual analysis about
17 Sawhegenet as well as the response that Dr.
18 Barnum had to my questioning about the
19 difficulty of navigation for birds on the
20 Pemigewasset.

21 PRESIDING OFFICER HONIGBERG: So --

22 A (Townsend) I haven't gotten to that part yet. I
23 was setting it up.

24 PRESIDING OFFICER HONIGBERG: And that

1 setup includes a tree house?

2 A (Townsend) It did, yes.

3 PRESIDING OFFICER HONIGBERG: How?

4 A (Townsend) Because it's talking about the -- so
5 the Applicant throughout has been talking about
6 very discrete areas of the Pemigewasset without
7 taking into account issues such as the historic
8 bridge that was there, and also the recovery of
9 the river from pollution in the past, and I feel
10 like this is an important step in the history
11 for the Committee to understand.

12 PRESIDING OFFICER HONIGBERG: Okay. I
13 still haven't heard what the tree house has to
14 do with anything.

15 A (Townsend) It's about wilderness.

16 PRESIDING OFFICER HONIGBERG: I'm sorry.
17 You're going to need to cut to the chase and get
18 us the information that's relevant here.

19 A (Townsend) Okay. If I may give you another
20 tie-in. When we were questioning Mr. DeWan
21 about his definition of visual impact qualities,
22 he did not include wilderness. In fact, to him
23 the absence of sign of human development was
24 given negative points so you'd only get a zero

1 if there was no human development visible. And
2 for us, as residents, who live next to the
3 Pemigewasset its wilderness quality is an
4 important aspect of it. And I was concerned
5 that the Committee had not had the opportunity
6 to have a full view of that, in part because
7 it's actually difficult to navigate by bus to
8 those views of the Pemigewasset. Not for lack
9 of trying but simply because most of us access
10 them by foot or by car or by snowmobile or by
11 boat. May I go on?

12 PRESIDING OFFICER HONIGBERG: I guess. I
13 mean, you're responding to what you perceive to
14 be inadequacies in analysis by the Applicant,
15 but I still don't understand the part that
16 you're responding to. Somebody said X. I guess
17 you said it was the lack of information, but
18 you've known about the lack of information from
19 the beginning. If you had information about
20 that, it should have been in your Prefiled
21 Testimony.

22 A (Townsend) So we actually cross-examined
23 Mr. DeWan about his categories. They were not
24 explicit. Charlotte may be able to explain this

1 better.

2 PRESIDING OFFICER HONIGBERG: Ms. Crane?

3 A (Crane) So I have not discussed this very much
4 with Ms. Townsend. Perhaps that would have been
5 appropriate, but among other things, the
6 Applicant's experts' Supplemental Prefiled
7 Testimony wasn't filed until the date that our
8 Prefiled Testimony was due, and, therefore, we
9 had no real appreciation of all of the aspects
10 of his analysis, and there were other aspects
11 that were quite confusing to us until he was
12 cross-examined at the hearing. So this is
13 attempting to fill in what we unfortunately did
14 not understand enough about in order to put in
15 our Prefiled Testimony previously.

16 PRESIDING OFFICER HONIGBERG: Mr.
17 Needleman, you look like you want to say
18 something?

19 MR. NEEDLEMAN: I do object to this now
20 that I understand it. It sounds like all of
21 this relates to methodology. That was all
22 included in the initial report, and these
23 witnesses, like all other witnesses, had the
24 opportunity at Technical Sessions to get

1 clarifications and then include things like this
2 in their Supplemental Testimony if they wanted
3 to. I think it's impermissible bootstrapping
4 now to say they learned about it on
5 cross-examination.

6 PRESIDING OFFICER HONIGBERG: Mr. Needleman
7 is making an excellent point. What else you
8 got?

9 A (Townsend) It was only clarified in
10 cross-examination exactly how points were
11 allotted for human development and/or where
12 wilderness would receive a point if it were to
13 receive one.

14 PRESIDING OFFICER HONIGBERG: All right. I
15 still don't understand what it is, what did he
16 say on cross-examination that now opens you up
17 for an opportunity to give us this additional
18 information? I'm missing that.

19 A (Townsend) What he said was that human
20 development did get points, but the only place
21 where wilderness could get a point was perhaps
22 under uniqueness, and then we asked him whether
23 he felt that wilderness was unique in New
24 Hampshire, and he said yes. We take issue with

1 that. And as people who live close to one, we
2 would like to give testimony about the nature of
3 the river in this stretch of the Pemigewasset.

4 PRESIDING OFFICER HONIGBERG: Mr.
5 Needleman, I can see you want to say something
6 again.

7 MR. NEEDLEMAN: Thank you. And that is all
8 methodology, and that was all in the original
9 report, and if there were any issues it could
10 have been uncovered during discovery and
11 addressed.

12 PRESIDING OFFICER HONIGBERG: I'm afraid
13 Mr. Needleman has the better argument here. I'm
14 going to sustain the objection. Do you have
15 another point you want to make in response to
16 testimony or supplemental testimony or testimony
17 that happened here in the hearing room?

18 A (Townsend) I would like to go ahead to sections
19 that are related to information that I only
20 learned from Dr. Barnum on cross-examination of
21 her. May I?

22 PRESIDING OFFICER HONIGBERG: Until
23 somebody stops you, go for it.

24 A (Townsend) All right. Thank you. So still on

1 this illustration, this illustration is
2 AD-N-ABTR Exhibit 60. In the transcript of Day
3 20, afternoon, page 8, line 10, in questioning
4 to Dr. Barnum about the varied height of these
5 lines as they stretch across the Pemi, I asked,
6 "I'm wondering if you consider that having
7 multiple wires at different heights offers a
8 similarly dangerous situation but perhaps more
9 so for being more lines." And Dr. Barnum
10 replied, "Yes, I would agree that given multiple
11 lines and the crossing of the river this would
12 be a particularly difficult spot for birds to
13 navigate."

14 So what is important to understand is that
15 for many years, until the Clean Water Act of
16 1972, there were no large birds navigating the
17 Pemigewasset. They only returned subsequent to
18 the cleanup of the river. And what is now
19 threatened by the heights of the wires which are
20 going to be both, as shown in the illustration,
21 there will be wires both at 55 feet and 95 feet
22 In six it will be -- in the example of number 7,
23 for example, 65 feet and 75 feet so that they
24 vary. And we're concerned that not only the

1 herons that came back in the late '70s but the
2 subsequent birds including osprey and eagles
3 that came back even later in the recovery are
4 going to be affected by this problem of
5 navigating multiple levels of lines.

6 This would introduce an industrial quality
7 which is not now part of our experience at the
8 river. We would hate for the river to once
9 again be relegated to being an industrial zone.
10 It would cut off something that has been at the
11 heart of our experience living next to it. With
12 reference to the river revitalization, I would
13 like to quote from the EPA Journal, Volume 6,
14 number 1, January 1980, page 23.

15 MR. NEEDLEMAN: Mr. Chair, it sounds like
16 we're now past the last point.

17 A (Townsend) I'm merely including as an exhibit an
18 article that we gave the citation for in our
19 Prefiled Testimony.

20 PRESIDING OFFICER HONIGBERG: Okay. I mean
21 that's, if you've got an exhibit to add to your
22 list, that is an article that is cited in your
23 testimony. That's certainly an appropriate
24 thing to submit.

1 A (Townsend) Thank you. It's AD-N-ABTR Exhibit
2 66.

3 PRESIDING OFFICER HONIGBERG: Ms. Bradbury
4 is looking at you questioningly.

5 A (Townsend) It's not there. I'm not showing it
6 on the ELMO.

7 PRESIDING OFFICER HONIGBERG: I see.

8 A (Townsend) I would like to quote from it.

9 PRESIDING OFFICER HONIGBERG: So you're
10 going to be uploading that as a new exhibit?

11 A (Townsend) Yes. But I would like to quote from
12 it now if I may.

13 PRESIDING OFFICER HONIGBERG: Yes.

14 A (Townsend) "The Pemigewasset River in New
15 Hampshire which runs through an important
16 recreation area was so polluted by the mid '60s
17 that few fish could survive in it and, it was
18 spurned by tourists. Now with pollution
19 controls both on industries and municipalities
20 55 miles of the river are suitable for both
21 fishing and swimming. The river is now the
22 centerpiece of a successful vacation area."

23 And Jo Anne, would you put up -- thank you.
24 I would like to also add this photograph which

1 was included in our Petition to Intervene but to
2 give it an exhibit number. It will be AD-N-ABTR
3 Exhibit 65. It depicts the island which was the
4 part of the abutment of the Webster toll bridge
5 but is still there and part of the recreation
6 area which is Sawhegenet Falls and is used by
7 people kayaking down the river and from the very
8 populace campground they come up the river to
9 use this area.

10 The quality that this stretch of the Pemi
11 has is one of the things that draws people to
12 our state. To enjoy the sense of wilderness.
13 When we lose that, we will not only lose many of
14 the visitors but also something more necessary.
15 Access to that wilderness itself. As John Muir
16 wrote, wilderness is a necessity. Thank you.

17 A (Crane) So I have a few additional subjects to
18 mention. They all supplement our prior
19 testimony with additional situations that we
20 only learned of after interacting with the
21 Applicant's witnesses. The first -- and with
22 the Supplemental Prefiled Testimony of a few of
23 them.

24 The first topic I want to raise is the

1 topic of the railroad. The railroad line that
2 is owned by the State and currently leased to a
3 private operator for foliage and other scenic
4 tours. In Bridgewater the state easement for
5 the railroad immediately abuts the side of
6 Transmission Station 6 where the Project as
7 planned would come aboveground. A few miles
8 further north in Plymouth the railroad runs less
9 than 35 feet from the pavement on Route 3 where
10 the Project will be underground.

11 I guess I first became aware of the
12 possibility that the Applicant had overlooked
13 for all purposes the effect of the Project on
14 the operation of the railroad line when
15 Mr. DeWan indicated that he did not attempt to
16 approach the railroad bridge between Ashland and
17 Bridgewater because there were, quote, "no
18 trespassing signs at the entrance to the
19 railroad." This is in the transcript for
20 September 11th, page 25.

21 This railroad bridge is shown in our
22 Ashland to Deerfield Non-Abutter Exhibit 52 at
23 pages 140 and 142. So although there are signs
24 discouraging entry near the bridge, these signs

1 are actually not anywhere near the easiest
2 access to the bridge which is at the railroad
3 tracks, essentially at the location of
4 Transition Station 6 now. If you look at
5 Bridgewater tax map included as page 11 of our
6 Exhibit 54, you can see this. I didn't think
7 you'd want me to pull up those exhibits again
8 now, but I can get them if you would like to
9 look at them this afternoon. It's also the way
10 that snowmobilers using the rail line in the
11 winter for snowmobile path access, there's a
12 parking lot there where, the south end of the
13 biomass plant that is available for parking and
14 gaining access to the snowmobile route in the
15 area.

16 So when Mr. DeWan was testifying about not
17 having understood everything about the bridge,
18 it occurred to me that he might not even know
19 that the railroad was the property of, the
20 railroad line itself was the property of the
21 state because if he had, I would have thought
22 that he would have given more thought to whether
23 the rail line itself should be considered a
24 scenic resource under his understanding of that

1 term.

2 These suspicions grew after I talked to the
3 person that I could identify on the internet as
4 the Department of Transportation's person most
5 involved in maintaining the railroads. I don't
6 know when the Applicant actually first entered
7 into communications with the Department of
8 Transportation about the railroad, but -- and Jo
9 Anne, if you could put up the, yes. I do know
10 that as of the middle of October, not much
11 progress had been made since the Applicant had
12 not yet obtained the operating agreements for
13 the railroad from the state. This was confirmed
14 when I had conversations with members of the
15 Clark family, the operators of the railroad, in
16 late October, and they told me that they had not
17 at that time been involved in any communication
18 with the Applicant over the effect of the
19 Project, either the construction at the
20 Transition Station or the overall impact on the
21 views from the scenic railroad in this area.

22 Moving on, I, only after the Applicant's
23 Supplemental Testimony was filed --

24 MS. DORE: Ms. Crane, we're looking at the

1 document. Are you going to file it as an
2 exhibit? Do you want to identify it?

3 A (Crane) Oh, I'm sorry. Yes. This will be, the
4 meeting minutes for the Department of
5 Transportation has been marked Ashland to
6 Deerfield Non-Abutters Exhibit 67.

7 MS. DORE: Thank you.

8 A (Crane) Okay. Moving on to bare-earth and
9 trees, I knew that the Applicant's experts'
10 methodology regarding bare-earth was problematic
11 only after reading the Supplemental Prefiled
12 Testimony and the report that came with it in
13 April, essentially the same time our Prefiled
14 Testimony was due. It makes sense to me that in
15 a situation like the Pemi River Valley,
16 bare-earth and -- bare ground analysis, I guess
17 I should be saying, in the words of Mr. DeWan is
18 not particularly useful, at least where he would
19 use it which I understand is only the initial
20 stage of identifying places from which there
21 would be visibility that then ought to be
22 explored further. The entire River Valley has
23 visibility, and, therefore, trying to use it to
24 zero in on particular places wouldn't be much

1 use.

2 But I was very surprised to learn that
3 Mr. DeWan's position was that bare ground
4 analysis doesn't need to be used in any other
5 part of the analysis required under the SEC
6 rules to accompany the Application or --

7 MR. NEEDLEMAN: Mr. Chair, I'm going to
8 object at this point. This is all legal
9 interpretation, and it was certainly clear in
10 the materials we filed what Mr. DeWan's approach
11 was prior to April 17th.

12 PRESIDING OFFICER HONIGBERG: Ms. Crane?

13 A (Crane) I'll limit my remarks to what was
14 actually said in the April filing. What was
15 said, and I quote from page 7, I think this is
16 line 16 and 17, of Mr. DeWan's Supplemental
17 Prefiled Testimony, "The usefulness of a
18 bare-earth analysis for linear Projects such as
19 Northern Pass where the Applicant does not own
20 the land abutting the corridor and the Project
21 traverses parts of the state that are expected
22 to remain forested is limited to only those
23 areas where tree clearing is known to occur."

24 I don't understand why our part of the

1 Pemigewasset River Valley isn't a place where
2 tree clearing is known to occur, and, therefore,
3 find his, the reasons for not exploring
4 visibility under bare-earth conditions to be
5 quite puzzling.

6 PRESIDING OFFICER HONIGBERG: That's an
7 argument. It's a fine argument, but let's hear
8 some facts.

9 A (Crane) Okay. The land that my family now
10 controls is a tree farm. We are required in
11 order to remain in tree farm status to harvest
12 lumber. There is a biomass plant that was
13 clearly designed to burn wood chips. That
14 facility is immediately north of Transition
15 Station 6. It's hard to imagine how you're
16 going to have wood chips to burn unless there is
17 timbering going on. Many of our, several of our
18 exhibits indicate that the historic use of this
19 River Valley included clearing for crops and for
20 pasture land. If you look at the pages 108 and
21 118 in our Exhibit 52, you can see pictures
22 taken a hundred and some odd years ago.

23 PRESIDING OFFICER HONIGBERG: Ms. Crane,
24 it's sounds like you're dictating your brief,

1 your Memorandum of Law. You've got exhibits
2 that show things that are at odds with something
3 the Applicant has said or represents or argues.
4 This is an argument you're making, and it may be
5 a great one, but what we're trying to get right
6 now, this is the time for Supplemental Testimony
7 about facts that are --

8 A (Crane) And when I presented --

9 PRESIDING OFFICER HONIGBERG: Let me
10 finish, okay?

11 -- facts that are responsive to something
12 new that the Applicant did. There will be
13 plenty of time and space to argue at the end
14 what they mean and how wrong someone may be
15 about something.

16 A (Crane) Well, if you'll understand my
17 predicament, at the point when I was
18 cross-examining the expert witness I was accused
19 of testifying and now that I'm trying to
20 testify --

21 PRESIDING OFFICER HONIGBERG: But the thing
22 is you're not testifying. You're not testifying
23 to facts now. You're arguing. You may have
24 been arguing back then.

1 A (Crane) Okay.

2 PRESIDING OFFICER HONIGBERG: What else you
3 got?

4 A (Crane) So stating in more as a fact, the land
5 was in fact widely cleared in this area as our
6 exhibits show in the late 19th and early 20th
7 centuries and continue to be cleared, continues
8 to be cleared now. Any look at a Google maps
9 photo will confirm that.

10 PRESIDING OFFICER HONIGBERG: You do know
11 that the statements you just made are in your
12 Prefiled Testimony, right?

13 A (Crane) Not about tree clearing. And the
14 interaction between the bare-ground analysis.

15 PRESIDING OFFICER HONIGBERG: "In recent
16 decades the forest lands has become actively
17 managed and harvested. Within the memory of the
18 generation still alive, however, large portions
19 of the land were cleared and plowed for
20 vegetable farming. Stone walls within the
21 current forested areas," et cetera. I'm reading
22 from your Prefiled Testimony.

23 A (Crane) Okay. And I guess the photographs that
24 we have presented since probably should have

1 been included, but we did not understand the
2 Applicant's expert's position about bare-earth
3 at the time that those were prepared.

4 PRESIDING OFFICER HONIGBERG: Okay.

5 A (Crane) I'll continue. Okay? We also, I also
6 want to point out the extent to which the
7 vegetation that the Applicant's experts rely on
8 to provide a visual buffer is in many cases not
9 under human control. Whether that's because of
10 erosion or because of pests that can wipe out
11 many trees, most of the buffers are single
12 species trees as we discovered when we looked
13 more closely at the photos of Sawhegenet.

14 We also are concerned about the lack of
15 discussion of those events that might affect the
16 vegetative buffer that might be within human
17 control and about which the Applicant has
18 presented no evidence of negotiating with the
19 landowners to preserve those buffers.

20 I also want to point out to the Committee
21 that there was no information offered by the
22 Applicant regarding the effect of the Project on
23 campgrounds, including one that is in New
24 Hampton called Jellystone that is only about a

1 thousand meters from --

2 MR. NEEDLEMAN: Mr. Chair, I'm going to
3 object. I have no idea what this is responding
4 to at this point.

5 PRESIDING OFFICER HONIGBERG: I mean, I
6 remember discussions of that campground. You
7 asked some questions about it.

8 A (Crane) I did.

9 PRESIDING OFFICER HONIGBERG: It's on the
10 record that it's, you've got testimony from the
11 Applicant's witnesses that it's there, you've
12 got them to confirm that it's there, and
13 whatever arguments you want to make about them
14 you're free to do when the time comes to argue.

15 A (Crane) Okay. I only wanted to point out that
16 the Applicant's record doesn't contain any
17 evidence about it.

18 PRESIDING OFFICER HONIGBERG: Yup.

19 A (Crane) It also doesn't contain any evidence
20 about the scenic qualities of River Road itself.

21 PRESIDING OFFICER HONIGBERG: This is an
22 argument about what isn't in the case put on
23 which the Applicant. That's what you're doing
24 right there, and now is not the time for you to

1 argue.

2 A (Crane) Okay. I do have a few more facts that I
3 want to make sure get into the record. Some of
4 these have to do with the New Hampton scenic
5 easement. The easement, as I believe the
6 Committee has been informed but I need to orient
7 us a little bit. The easement was acquired by
8 the State at the time that I-93 was built using
9 monies that were made available under the newly
10 enacted Highway Beautification Act. The
11 Applicant did acknowledge in the response to a
12 Data Request that it owns land that is subject
13 to the scenic easement, but this land is just
14 south of the right-of-way itself, and it appears
15 that the right-of-way itself is not subject to
16 the scenic easement.

17 I've had conversations with landowners on
18 the Bridgewater side of the river at that place
19 whose properties are subject to the scenic
20 easement, and they understand the restrictions
21 on their property to preclude any building at
22 all. One these properties is located -- any new
23 building, sorry. At 3237 River Road. Which is
24 if you wanted to find it on Tax Map 209, Lot 9,

1 the view from this house is in our Exhibit 54 at
2 page 49. The other property is at 3252 River
3 Road, including lots 1 and 10.

4 That landowner is actually both subject to
5 the limitations on the scenic, imposed by the
6 scenic easement itself, and has the right-of-way
7 crossing her land. So the current state of
8 affairs is in order to protect the scenery, she
9 is not permitted to build a garage. But
10 apparently there is no acknowledged restriction
11 by the Applicant on the ability to build towers
12 on her land.

13 I wanted to add a few more facts about
14 snowmobiles. In our part of the state, in the
15 middle, the River Valley between Plymouth and
16 Sanbornton or so --

17 MR. NEEDLEMAN: I'm going to object. This
18 is all material that could have and should have
19 been included.

20 PRESIDING OFFICER HONIGBERG: It sounds at
21 least the last part of what you did was just
22 some specific examples of information that you
23 had included in your Prefiled Testimony. Was it
24 something different than that?

1 A (Crane) Pointing out the restrictions on these
2 landowners was not in my Prefiled Testimony.

3 PRESIDING OFFICER HONIGBERG: Lots of
4 information was in there about the easement and
5 could have been included in your Original
6 Testimony. What is it you're transitioning to
7 now?

8 A (Crane) I wanted to talk about the fact that
9 the -- and these were conversations that I did
10 not have with my neighbors until this summer on
11 understanding Mr. --

12 PRESIDING OFFICER HONIGBERG: One of the
13 Applicant's experts.

14 A (Crane) One of the Applicant's experts. Thank
15 you.

16 -- assumption that the Project would be
17 nothing but good in terms of the experience of
18 snowmobilers, both as a visual matter and as a
19 tourism matter. It turns out that in my part of
20 the state, additional access to snowmobile
21 routes is not desirable because the snowmobilers
22 need the permission from the landowners to have
23 snowmobile routes going through them. Many
24 landowners are reluctant to let snowmobiles go

1 through if -- because, I'm sorry. The
2 snowmobile clubs have to be very careful not to
3 be inviting all-terrain vehicles because the
4 landowners are willing to have snowmobiles --

5 PRESIDING OFFICER HONIGBERG: And how do
6 you know this?

7 A (Crane) From conversations with my neighbors who
8 manage the snowmobile trails.

9 PRESIDING OFFICER HONIGBERG: Okay. If we
10 had one of these neighbors here, it would be
11 better. This is all information that could have
12 and should have been included in your Prefiled
13 Testimony if you felt it was significant.

14 What's the next point you want to make?

15 A (Crane) I was quite surprised that Mr. Varney
16 was not aware of the problems associated with
17 traffic at the bridge on the Daniel Webster
18 Highway from Ashland to Bridgewater. I don't
19 have anything more specific to add to that
20 except that I was quite surprised as we were
21 talking about, as I was participating in
22 discussions about the last site visit by the
23 Committee how unaware many people were of how
24 few bridges there are.

1 PRESIDING OFFICER HONIGBERG: Okay. Next?

2 A (Crane) I also perhaps should have figured this
3 out as a methodological matter, but I would not
4 have read the Committee's rules to this way so I
5 was not, I was not aware of the significance of
6 a designated status. My mother and my
7 grandmother adamantly refused to pursue historic
8 designation because our property has been broken
9 into on many occasions and seeking historic, any
10 kind of historic designation seemed to be,
11 seemed to them to be inviting publicity about a
12 place that they could not maintain year-round
13 security at. We have no reason to want to
14 advertise.

15 PRESIDING OFFICER HONIGBERG: Okay.
16 Understand.

17 A (Crane) The same thing is true with regard to a
18 scenic designation for River Road. River Road
19 is already overly burdened with traffic. Many
20 of the older houses are close to the road.
21 Scenic designation would only attract more
22 bicyclists and more motorcyclists and more
23 foliage traffic to no one along the road
24 itself's benefit. There's no incentive for the

1 town of Bridgewater or for any of the residents
2 to seek designated status. We don't understand
3 quite why the choice seems to be designate or be
4 ignored.

5 Finally, I wanted to talk about orderly
6 development in this region. I know of this, I
7 know a whole lot more about this topic than I
8 did because I am trying to build a structure on
9 River Road, and I have had lots of conversations
10 with my tradesmen about how difficult it is for
11 them to find help, about how busy they are,
12 because of the preservation boom, if you will,
13 in this area. It's newer to this area, probably
14 because of the turnaround in the river. That
15 is, 50 years ago nobody would buy a house in
16 Bristol, nobody would buy -- that was along the
17 river. Nobody would buy a house anywhere else.

18 PRESIDING OFFICER HONIGBERG: Okay. I
19 understand this is about orderly development,
20 but what is it you're responding to right now?
21 What information are you providing us to -- you
22 are responding to what information that has
23 happened here?

24 A (Crane) My conversations with my tradespeople

1 about how hard it is for them to find help.

2 PRESIDING OFFICER HONIGBERG: Well, all of
3 that is not something that could have been
4 included in your Original Testimony. What has
5 happened here that allows you to do it now if
6 you didn't do it before?

7 A (Crane) Because I didn't meet my mason until
8 June. I didn't meet the carpenter who is doing
9 the exterior trim until July. I didn't hear
10 about their problems getting cheaper help until
11 I started paying them \$50 an hour to clean up
12 the garbage from the natural construction site.

13 PRESIDING OFFICER HONIGBERG: So is the
14 broader point that construction of the line will
15 suck up more tradespeople and will affect
16 development of other Projects in the region? Is
17 that the point you want to make?

18 A (Crane) That is one of the points.

19 Another point is the inventory of preCivil
20 War houses in Bridgewater, and there with more
21 than 150, is one of Bridgewater's only economic
22 resources, and the possibility that these homes
23 which were the same homes that were subject to
24 the State's efforts at the turn of the century

1 to move them into ownership of people who could
2 care for them, that inventory will become less
3 valuable when the only way to get to it is
4 through a forest of towers.

5 PRESIDING OFFICER HONIGBERG: All right.
6 Well, that's a point that clearly could have
7 been made originally. Do you have any others
8 you want to make?

9 A (Crane) Another overlooked topic is the fate of
10 the Crystal Spring. My fact to add to that is
11 that over the course --

12 PRESIDING OFFICER HONIGBERG: Who said
13 anything about the Crystal Spring that you need
14 to respond to? I didn't think anybody did, and
15 I actually heard you say "finally" with respect
16 to your previous point. So what else have you
17 got that is specific to something that someone
18 said or something that's happened since you
19 filed your Prefiled Testimony?

20 A (Crane) Well, even my husband who doesn't have
21 much patience with me over these issues noticed
22 that there is always someone waiting to get
23 water at the Crystal Spring south of Plymouth.

24 PRESIDING OFFICER HONIGBERG: I think, Ms.

1 Quinn, you're up.

2 A (Quinn) Thank you. Can you hear me? Is it
3 working?

4 So I would like to respond to a statement
5 that was made in these proceedings by Dr. Gary
6 Johnson on Day 4, April 18th. This is page 99,
7 line 10, of the transcript. Dr. Johnson was
8 answering a question from the Counsel for the
9 Public as to whether the design of the Northern
10 Pass causes existing electromagnetic fields to
11 increase. Dr. Johnson responded to that
12 question by saying that in some cases, in some
13 locations, for some cross-sections. And I feel
14 that this is a somewhat misleading statement and
15 that if one were to refer to Table A 4 of
16 Appendix 37 of Applicant's Exhibit 1, for the
17 select southern sections of the Project for
18 which data is provided, and those would be S1-1,
19 S1-4, 1-5, 1-8, 1-12, 1-13, 1-16, 1-19 and 1-20,
20 virtually all of the anticipated post-project
21 magnetic field levels increase. In fact, they
22 increase to three levels, three to ten times
23 higher than pre-project levels, and they are
24 also higher than the levels of EMF that are

1 associated with an increased risk of childhood
2 leukemia, breast cancer, miscarriage and many
3 other unreasonably adverse health events.

4 Concerns regarding the safety of high
5 voltage transmission lines have been raised
6 several times in these proceedings, and I would
7 like Jo Anne to bring up on the ELMO Ashland to
8 Deerfield Non-Abutter Exhibit 63 which is a memo
9 from 1986 to the SEC raising this concern about
10 the safety of high voltage transmission lines,
11 and it is signed by 99 New Hampshire physicians.
12 So these concerns have existed for quite a long
13 time. Thanks, Jo Anne.

14 I also wish to respond to Dr. Bailey's
15 comments on page 72 of the Day 4 testimony
16 transcript, lines 1 through 12, where Dr. Bailey
17 is responding to a variety of quotes that the
18 Counsel for the Public was reading to him from
19 the 2015 SCENIHR Opinion Report, fondly referred
20 to as SCENIHR, for the European Commission.
21 Counsel for the Public had asked whether a quote
22 that was read was -- I'll go back.

23 The Counsel for the Public asked Dr. Bailey
24 whether a quote that was read was inconsistent

1 with the findings of epidemiological studies. I
2 believe that Dr. Bailey should have clarified
3 for the benefit of the Committee that the
4 findings of the epidemiological studies point to
5 an association between EMF levels above those
6 set by current standards but perhaps not a
7 correlation in its strictest statistical
8 definition. So I feel like Dr. Bailey was kind
9 of splitting hairs in his answer.

10 PRESIDING OFFICER HONIGBERG: That's an
11 argument, Ms. Quinn. I understand that's how
12 you feel.

13 A (Quinn) Okay.

14 PRESIDING OFFICER HONIGBERG: This is a
15 time to provide us with counterfactuals if that's
16 what you got.

17 A (Quinn) Okay. I'll get there.

18 Additionally, Dr. Bailey does not offer
19 additional information that is also included
20 elsewhere in the same report where the Committee
21 recommends additional research in several areas
22 to fill in gaps in existing knowledge. The
23 recommendations of SCENIHR are based upon a
24 sufficient degree of concern about what the data

1 shows with regard to adverse health effects and
2 their association with EMF exposure.

3 I would like now, Sandie, if you could
4 please bring up Counsel for the Public Exhibit
5 59 which was submitted in mid April of this year
6 right around the same time as the Health and
7 Safety Panel were being called.

8 This report was published initially in
9 2007, revised in 2012, and again in 2014. It
10 represents the work of 29 authors from ten
11 countries, physicians, Ph.D. scientists, and
12 several masters-prepared scientists or public
13 health professionals.

14 PRESIDING OFFICER HONIGBERG: Ms. Quinn,
15 this document is in the record. If you have an
16 argument you want to make about it, you can do
17 that at the end of the case.

18 A (Quinn) I'm not making an argument. I'm talking
19 about what's in it.

20 PRESIDING OFFICER HONIGBERG: It's in the
21 record. You don't need to read it. You don't
22 need to do anything. Under oath, you testifying
23 about what's in this document isn't going to
24 make it any more or less persuasive.

1 A (Quinn) So the conflict between what Dr. Bailey
2 was saying in his testimony here with findings
3 from this report such as there is little doubt
4 that exposure to ELF causes childhood leukemia?

5 PRESIDING OFFICER HONIGBERG: It's a great
6 argument, and you'll be able to make that, but
7 you testifying to it under oath doesn't add to
8 it. We have it in the record. It's here.

9 A (Quinn) Okay. I thought that was what I was
10 required to bring here today was a connection to
11 something that came to me after I filed my
12 Prefiled Testimony.

13 PRESIDING OFFICER HONIGBERG: If you had to
14 introduce something new, then yes. But this is
15 in the record. Counsel for the Public has put
16 it in the record and I believe asked questions
17 about it. If they didn't, I'm sure someone did.

18 A (Quinn) He like the at the transcripts for the
19 Health and Safety witnesses, and I did not find
20 in the transcript where it refers to all the
21 exhibits that were raised that day.

22 PRESIDING OFFICER HONIGBERG: Do you think
23 it's possible that this exhibit wasn't
24 referenced? It's certainly possible.

1 A (Quinn) I don't believe that it was.

2 PRESIDING OFFICER HONIGBERG: Sandie?

3 MS. MERRIGAN: We put it on our list, but
4 it was actually never introduced.

5 PRESIDING OFFICER HONIGBERG: Ah. Ms.
6 Quinn, you may proceed.

7 A (Quinn) Thanks. So while much of this report
8 pertains to concerns regarding ELF, extremely
9 low frequency and radiofrequency associated with
10 cell phone use and proximity to cell phone
11 towers, they also address the research data
12 associated with proximity to EMFs,
13 electromagnetic fields, from transmission and
14 distribution power lines.

15 On page 8 and 9 of this report, in the
16 summary of the science section, as I indicated
17 earlier, there is a very prominent statement
18 which says that there is little doubt that
19 exposure to ELF causes childhood leukemia. The
20 BioInitiative report also offers the
21 recommendation that electromagnetic fields
22 exposures should be reduced for all people who
23 are in high ELF environments for prolonged
24 periods of time.

1 MR. NEEDLEMAN: Mr. Chair?

2 A (Crane) Such as residing next to a high voltage
3 transmission line.

4 PRESIDING OFFICER HONIGBERG: Hang on, Ms.
5 Quinn. Mr. Needleman?

6 MR. NEEDLEMAN: There's no reason why this
7 could not have been included as an exhibit in
8 her testimony. Just because somebody attached
9 it and then didn't use it I don't think now
10 entitles any witness to simply start talking
11 about it.

12 PRESIDING OFFICER HONIGBERG: You're
13 probably right, Mr. Needleman. Ms. Quinn?

14 A (Quinn) Yes.

15 PRESIDING OFFICER HONIGBERG: What is,
16 you've identified a number of sections of this
17 document. Well, actually, Mr. Needleman, let me
18 ask you a question. Is the Applicant going to
19 be objecting to this exhibit being an exhibit in
20 this case?

21 MR. NEEDLEMAN: I don't have my list in
22 front of me. I will say that I think the
23 standard approach that we were proposing to take
24 was that if any party marked an exhibit but did

1 not use it during the course of examination,
2 then we would object to it.

3 PRESIDING OFFICER HONIGBERG: That's kind
4 of what I expected.

5 Ms. Quinn, I'm going to allow you to finish
6 what you're doing. I'm hoping that it's fairly
7 quick at this point.

8 A (Quinn) It is.

9 PRESIDING OFFICER HONIGBERG: There may be
10 an objection to this being an exhibit, and it
11 may not be a bad objection, but I know that you
12 have other documents and you've identified other
13 documents. You identified some when you
14 questioned the Panel, the Applicant's Panel, on
15 this, that you can use in your arguments even if
16 you end up not being able to use this. So why
17 don't you continue with what you were doing.

18 A (Quinn) One of the reasons why I wanted to
19 provide Direct Testimony regarding this report
20 was for the very reason that because Counsel for
21 the Public didn't use it I wanted to make sure
22 that it wasn't withdrawn.

23 PRESIDING OFFICER HONIGBERG: I get that.
24 This is an argument that may have to happen at

1 some point, but you clearly felt very strongly
2 about this from the beginning, and I know you
3 did some research on it early on, and I know you
4 filed testimony about it. There's evidence out
5 there. There's studies, there's whatever you
6 can find, but there's some point where you've
7 got to come up with it. So why don't you finish
8 what you're doing with this, and then we'll move
9 on to the next point.

10 A (Quinn) Okay. So I will sort of cut to the
11 chase on the BioInitiative report. I think it's
12 very important, and one of the reasons why I
13 think that the Committee should carefully
14 consider it is that this is one of the few cases
15 of analyzing the data with regard to
16 electromagnetic fields where the report was done
17 independent of government, independent of
18 existing bodies, and most importantly,
19 independent of industry professional societies.
20 And pretty much all the standards that have been
21 set were come to through some negotiated process
22 where industry and government sort of come to a
23 decision on those things, and I think that this
24 is a much more objective view of the evidence.

1 This Committee recommends that measures
2 should be implemented to guarantee that exposure
3 due to transmission and distribution lines is
4 kept below an average of 1 milliGauss which is
5 much lower than what is seen in this Project.
6 The authors also draw parallels between the
7 reticence to make or the slow pace of changes to
8 the standards of acceptable level limits of EMF.
9 They draw a parallel with that and the
10 historical experience with smoking, and xray use
11 and pregnant women, and policies and guidelines
12 that were put in place regarding tobacco use and
13 xrays. In fact, they end this section of the
14 report which is titled "Late Lessons from Early
15 Warnings in EMF" with "what will the history of
16 EMF look like in 2020."

17 In summary I would just ask that the
18 Committee carefully consider the risks
19 associated with a Project such as this. Thank
20 you.

21 PRESIDING OFFICER HONIGBERG: Mr. Pappas,
22 are you going to be moving that exhibit into
23 evidence? Mr. Aslin?

24 MR. ASLIN: At this point, we haven't

1 completely reviewed all exhibits to make that
2 determination.

3 PRESIDING OFFICER HONIGBERG: All right.
4 Ms. Quinn, why don't you have that report marked
5 for your group as a potential exhibit since you
6 want to use it. Mr. Needleman will be able to
7 object to its use and object to what happened
8 here at the time when we talk about exhibits,
9 but why don't you have it marked as your exhibit
10 in case Counsel for the Public decides not to.

11 A (Quinn) Okay. I can do that.

12 PRESIDING OFFICER HONIGBERG: What would
13 the next number be?

14 A (Quinn) 71.

15 PRESIDING OFFICER HONIGBERG: Mr. Foulkes?

16 A (T. Foulkes) Just a few points I'd like to make
17 in, based on the testimony I've heard today I'm
18 not sure of the proper order, but one of the
19 things sitting in the meetings and looking and
20 hearing the experts, one of my focuses is on the
21 cost/benefit analysis that has been presented
22 particularly by the Applicant's experts, and it
23 just, you know, you can run down through, you
24 have all the testimony. Just I think

1 particularly when I heard about the disruption
2 in the area of Plymouth, you know, the idea of
3 making up for that lost revenue is by getting
4 customers to buy more at that time.

5 You know, when I heard that it just, it
6 struck me as sort of an indifference of what
7 actually takes, hurting individuals. I mean,
8 overall, when you think of 192 miles, probably a
9 billion dollars worth of property that will be
10 affected in some way, shape or form by this, the
11 cost aspect of this has been, by their experts,
12 has been severely, I say curtailed.

13 So I just hope the Committee when they go
14 through this that they will take certain careful
15 view of really what this affects. One of the, I
16 was looking at the aspect of property values and
17 most of the property value studies whether it
18 was Schwam or any of the ones that have been
19 brought up or you see in the literature, even
20 including Chalmers himself, are fairly old. In
21 some cases they go back 30 years. So I've been
22 wondering if the world has changed much in that
23 time in terms of property values. Certainly
24 it's affected almost everything else in our

1 lives.

2 So I stumbled upon a study, Sudbury
3 Project. Sudbury is actually going through in a
4 very micro way what New Hampshire is going
5 through.

6 MR. NEEDLEMAN: Mr. Chair, I'm going to
7 object. This is in his testimony.

8 PRESIDING OFFICER HONIGBERG: This is your
9 testimony. This is your Prefiled Testimony.

10 A (T. Foulkes) Okay. It is. All right. So I'll
11 just move on. I just want to state the reason
12 why I chose it.

13 PRESIDING OFFICER HONIGBERG: It's in your
14 Prefiled Testimony. If you have something you
15 need to respond to, that's happened since you
16 filed your testimony, since the filing of
17 Supplemental Testimony or happened here at the
18 hearing, now is the time to do it.

19 A (T. Foulkes) I had two pages that didn't show up
20 on my file, that didn't. Could I show those?

21 PRESIDING OFFICER HONIGBERG: Sure. Jo
22 Anne? You adopted it as your testimony when you
23 were talking with Ms. Dore earlier.

24 A (T. Foulkes) I did. It's just to indicate that

1 these did not show. For some reason they didn't
2 PDF.

3 The only thing I could say, I was looking
4 for current values and current as opposed to
5 something that was old. And that's why they're
6 included and I will rest it at that. And I'll
7 to try to get that filed so it's readable.

8 PRESIDING OFFICER HONIGBERG: Ms. Foulkes,
9 do you have anything to add? Speak into a
10 microphone.

11 A (M. Foulkes) Can you hear me now? Okay.

12 I was here Monday and Tuesday and we live
13 at 26 Nottingham Road, and someone brought up
14 the view of 24 in relation to the view that was
15 closer on 15. The view at 24 is elevated as we
16 are, and they have no trees in front of them and
17 they are going to have or have now a clear shot.
18 Okay?

19 And my other comment, I guess, is from what
20 I heard, I think it was on Tuesday, when it was
21 brought up that there was not much difference
22 between what we all see now in Deerfield and the
23 new poles that will be there. I take offense at
24 that because right now the current poles are

1 about 40, 50 feet high, and I see a big
2 difference between that and something you'd see
3 in a Godzilla movie that's going to be 150 feet
4 high. And it's going to be much more.

5 And finally, I guess, when the Selectmen,
6 Andy, was asked by the Applicant what would it
7 take for Deerfield to be more positive about
8 this Project, and it seemed like he was a little
9 bit a loss for words. But I kind of likened it
10 to being asked what would it take for me to have
11 you agree to cut off your hand because that's
12 what our small little town looks at this Project
13 as, and it's the vast majority of people there.
14 It's going to change the character tremendously
15 of that little town. And who's going to want to
16 come there. They come there for the rural
17 quality, not to be part of an industrial grid.
18 And it's going to affect us terribly.

19 PRESIDING OFFICER HONIGBERG: Ms. Menard,
20 what do you have to add about Pawtuckaway View?

21 A (Menard) Good afternoon. The Northern Pass
22 Project would not have impacted the former, the
23 original use of this facility as it was a
24 commercial company known as VK Lindsay Company,

1 and I think it's arguable that Northern Pass
2 Transmission would impact its current use right
3 now as, it's a group of cooperative wood
4 workers. But since the passing of my brother,
5 Peter Menard, we as a family have had to, we're
6 at a major crossroads with this site, and we're
7 exploring options as none of my siblings are in
8 a position or have a desire to manage commercial
9 property, and any improvements to this site
10 would be fairly substantial financially and it's
11 the view of the mountains that would be a driver
12 for us as moving forward with this property for
13 the options that we're considering.

14 And I just wanted to comment that I believe
15 Mr. Varney's assessment in his orderly
16 development analysis in many regards may have
17 missed the consideration of a view benefit that
18 commercial properties up and down the
19 right-of-way, not just the uniqueness of this
20 particular property, but just casting commercial
21 properties into a bucket that have no effect by
22 this Project, I think, is an oversight.

23 PRESIDING OFFICER HONIGBERG: Sounds like a
24 closing argument.

1 MS. MENARD: I'll close. Thank you very
2 much.

3 PRESIDING OFFICER HONIGBERG: Let's go off
4 the record for a minute.

5 (Discussion off the record)

6 PRESIDING OFFICER HONIGBERG: We're going
7 to take a ten-minute break.

8 (Recess taken 5:32 - 5:42 p.m.)

9 PRESIDING OFFICER HONIGBERG: Mr. Aslin.
10 Whenever you're ready.

11 MR. ASLIN: Thank you, Mr. Chairman.

12 **CROSS-EXAMINATION**

13 **BY MR. ASLIN:**

14 Q Good evening, everyone. For those I haven't met
15 before, my name is Chris Aslin, designated as
16 Counsel for the Public in this proceeding. I
17 have just a few questions. A number of issues
18 were addressed in your Supplemental Testimony
19 this afternoon/evening so that will shorten
20 things up a bit.

21 I think I'll start with Ms. Menard because
22 you're on the left. Just a couple quick
23 questions. I believe you testified earlier that
24 your position is that in its current use the

1 property as a wood workers group may or may not
2 have a diminution in value, but that, if I
3 understand correctly, your concern is resale
4 value for other noncommercial uses?

5 A (Menard) That is correct.

6 Q Okay. And in that respect it's the visual
7 impact that is your concern?

8 A (Menard) That is correct.

9 Q Okay. Thank you. In terms of the visibility of
10 the Project, do you have an opinion about how
11 many towers would be visible from that property?

12 A (Menard) I believe there would be four poles.
13 All four poles would be visible. We do have a
14 fifth pole on our conservation land but it's
15 down over the ledges and into the wetlands, and
16 that would not be visible, in my opinion.

17 Q Okay. And if I understand correctly,
18 Pawtuckaway View owns the smaller, just owns a
19 smaller parcel that would not include the
20 conservation lands?

21 A (Menard) Yes, and that's a good clarification.
22 Pawtuckaway View does not own, we're a
23 nonabutter parcel so none of the towers are on
24 Pawtuckaway View land. They're either on my

1 sister-in-law's land or our family's forest
2 conservation land.

3 Q Thank you.

4 A (Menard) There could be additional towers on my
5 neighbor's properties because there are field
6 lands between the two properties, but I have not
7 analyzed that or thought about that.

8 Q Okay. All right. Thank you very much. Mr. and
9 Mrs. Foulkes.

10 I want to just first make sure we or at
11 least I and the Committee understand where your
12 property is located.

13 Mr. and Mrs. Foulkes, you live at 26
14 Nottingham Road, correct?

15 A (T. Foulkes) That's correct.

16 Q And so is your property, do you have something
17 on the screen in front of you?

18 A (T. Foulkes) Yes.

19 Q What you should be looking at is a page from
20 Applicant's Exhibit 201, and it's Bates stamped
21 APP68115. Is your property visible on this map?
22 I want to say it's --

23 A (M. Foulkes) Yes.

24 Q Top right-hand corner area?

1 A (M. Foulkes) Yes.

2 Q So as I'm looking at the map from the top
3 right-hand corner Nottingham Road comes in
4 moving to the left, and the first mostly
5 rectangular parcel has a kind of curve-in
6 driveway, and if I am correct, your property is
7 the next one over?

8 A (M. Foulkes) Ours is the curved driveway.

9 Q Yours is the curved driveway. Okay. Very good.
10 So that's your property, and it is across
11 Nottingham Road from where the existing
12 right-of-way is located.

13 A (T. Foulkes) Yes.

14 Q Do I understand correctly that that's, I think
15 you testified earlier that's a little bit uphill
16 from the right-of-way?

17 A (M. Foulkes) Yes.

18 A (T. Foulkes) Nottingham goes uphill to the
19 Parade. Just off this map.

20 A (M. Foulkes) We're quite elevated from where the
21 towers are. The towers, it dips and goes,
22 starts back up again.

23 Q Okay. Thank you. I don't see a number
24 associated with that parcel on this map, but if

1 anyone else does, speak up.

2 Your concern in your testimony is
3 primarily, well, one of your main concerns is
4 property tax or property value impacts. And you
5 state that while there may be a tax increase to
6 the, additional taxes will be brought into the
7 town, the benefit, there's no benefit to
8 affected properties; is that correct?

9 A (M. Foulkes) Yes.

10 Q If, as you believe, the value of your property
11 is diminished, would you be considering an
12 abatement request to the town?

13 A (M. Foulkes) Absolutely.

14 Q Okay. And your property, roughly how far away
15 from the existing right-of-way is your property?

16 A (T. Foulkes) Probably a thousand feet.

17 Q And in your testimony, in your Supplemental
18 Testimony, you refer to this Protect Sudbury
19 Report.

20 It may be that this is the page that's
21 missing. Okay. Yes. So we'll skip ahead.

22 You had shown an exhibit to supplement
23 this, I believe, which showed a map.

24 A (T. Foulkes) It should be in there, and it just

1 wouldn't copy but yes.

2 Q I have it in my copy somehow, but it's not
3 something up on the official exhibit, but I
4 believe you supplemented that as part of the
5 record, and I just wanted to ask you about it
6 because, as I understand it, it has zones of
7 impact that have been assessed by this group.

8 A (T. Foulkes) That's true.

9 Q And they get, the greatest impacts are close up
10 to the right-of-way and they diminish as they go
11 out farther from the right-of-way?

12 A (T. Foulkes) That's how they have it. Yes.

13 Q And is it your position that your property will
14 be impacted in a similar extent as what is shown
15 in that report?

16 A (T. Foulkes) I would say we'd follow this type
17 of pattern. Yes.

18 Q Okay. But you're not suggesting or it's not
19 your opinion that it would be specifically the
20 percentage range that's in that report?

21 A (T. Foulkes) They're very different communities
22 and very different settings so it would be a
23 range, but I would not want to hold to those
24 numbers. That's true.

1 Q Okay. Thank you very much.

2 Ms. Quinn, a few questions for you as well.
3 Your testimony addresses a few different things,
4 but I'll start with your property itself. And
5 your property is located at 47 A Nottingham
6 Road; is that correct?

7 A (Quinn) That's correct.

8 Q And are you able to locate your property on this
9 map which is APP68117, a portion of Applicant's
10 Exhibit 201?

11 A (Quinn) Yes. I can. It's, the section where it
12 comes off of Nottingham Road is cut off, but my
13 property has two white dots and a yellow dot
14 that are in the top sort of third from the
15 corner on the left of the map. And it abuts the
16 conservation land of Mr. Berglund to the south.
17 It kind of comes in really skinny and then opens
18 up to a five-acre parcel.

19 Q So if you look at the word "Deerfield" in the
20 center of the map and traverse the page to the
21 left, you cross one square parcel and then the,
22 kind of the very long zigzagging parcel and then
23 the next one would be yours?

24 A (Quinn) The next one is mine. Yes, that's

1 correct.

2 Q And it does not have an identifier on this map.

3 A (Quinn) No, it doesn't, but it does have two
4 white dots.

5 Q It has, yes. And I presume the yellow dot is
6 your house?

7 A The yellow dot is my house. The white dots are
8 barns.

9 Q Part of your testimony is that you believe that
10 you will have significant change in view of the
11 Project going from, I believe you testified,
12 zero towers to four or five?

13 A (Quinn) Yes. I mean, the towers are down in the
14 wetlands, but the trees are such that I cannot
15 see those lines unless I walk down into Erick's
16 woods, but the new towers will be sufficiently
17 above the tree line so that I will then have a
18 view of the power lines and the towers.

19 Q Thank you. And your concern is that the change
20 in character will affect your property value as
21 well, correct?

22 A (Quinn) Very much so.

23 Q In your testimony you discuss concerns about
24 public health and safety as well, and you talk

1 about snowshoeing in the area of the power
2 lines. Is that an activity that you undertake?

3 A (Quinn) I absolutely do. As many seasons as
4 allowable.

5 Q And your concern in your testimony is that
6 snowshoeing during a snowstorm could be a
7 significant threat to life and safety, as I
8 understand it, due to corona activity?

9 A (Quinn) Yes.

10 Q Could you explain what health risk you're
11 concerned with?

12 A (Quinn) Well, it's a concern about noise for one
13 thing because in the Applicant's sound expert's
14 opinion, foul weather would necessarily be
15 accompanied by noise that would mask the
16 crackling and hissing and humming that would
17 occur as part of the corona effect on the power
18 lines whereas if you're having a, you know, a
19 gentle snowfall which creates moisture on the
20 lines and could contribute to some corona effect
21 might not necessarily have that noise so there
22 is going to be that. And if you're hearing that
23 noise sort of on a prolonged basis it could be
24 disruptive to sleep. That's a little bit of a

1 health concern.

2 My health and safety concerns are more
3 along the EMF effects from the lines, not so
4 much the corona, but I do think that there are
5 other aspects of the corona that could
6 potentially have health and safety impacts.

7 Q So it sounds to me like your concern is more
8 with chronic issues rather than acute safety
9 risks with regard to corona.

10 A (Quinn) Only as it relates to the sound
11 resulting from corona effect. Yes.

12 Q Thank you. You've testified earlier quite a bit
13 about the impacts of EMF in your opinion and
14 based on research you've done in the various
15 studies that you've submitted in your testimony
16 as well, and if I understand your position, it's
17 that while there's not a specific proven causal
18 connection between high voltage transmission
19 lines and EMF and various health effects, there
20 is enough evidence in the medical world to
21 suggest that there is some connection and a
22 risk. Is that fair?

23 A (Quinn) Sort of. I would say that the
24 epidemiological data that's available very

1 strongly indicates an association between
2 elevated electromagnetic fields and several
3 health conditions or effects. The
4 interpretation of that data from a strict
5 scientific perspective and drawing a conclusion
6 about causation, the threshold is a little bit
7 higher than if you were to say there's enough
8 evidence here that we should be taking actions
9 to prevent or minimize risk.

10 So there's sort of two different
11 perspectives that you would look at the data
12 from. One is from a purely scientific, is the
13 statistical analysis enough to say this is
14 direct cause versus is it enough to say we
15 should be taking actions to prevent risk that is
16 likely to be there because of this association
17 that's observed.

18 Q So risk avoidance rather than necessarily prove
19 the connection?

20 A (Quinn) Right. And that sort of relates to the
21 principle that I talk about in my Prefiled
22 Testimony, the precautionary principle, which is
23 an approach to risk minimization and avoidance.

24 Q In your testimony, you refer to various studies

1 that you've attached, but you specifically
2 reference an increase in childhood leukemia risk
3 at, ELF magnetic fields above .3 to .4
4 microtesla.

5 A (Quinn) Right.

6 Q Do you have an understanding based on the
7 Project's Application and the consultant's
8 reports as to whether that level of EMF will be
9 existent with the Project?

10 A (Quinn) Most certainly it will. If you look at
11 the tables that are submitted with the
12 Application in, I think it's an Appendix 37,
13 Table 84, that table expresses the
14 electromagnetic fields in milliGauss which is,
15 which is like a conversion that you have to do
16 of a factor of 10 to convert everything to
17 microtesla. So I actually submitted an exhibit,
18 Ashland to Deerfield Non-Abutter Exhibit 25,
19 which converts that entire table that was
20 submitted with the Application into microtesla
21 so you can see that every section in the AC
22 portion of the Project. At 300 feet from
23 center, there are levels of EMF that are at
24 least .4 microtesla, if not greater. So I think

1 it's definitely going to be there, and it's
2 pretty much going to be the whole southern
3 section of the lines.

4 Q Okay. And based on your opinion with regard to
5 the medical research, is it a prolonged exposure
6 that's the concern?

7 A (Quinn) Well, different studies have looked at
8 this issue from different perspectives and used
9 different criteria to determine exposure. Some
10 of the studies looked at time in household, some
11 did like a 24- to 48-hour measurement of the EMF
12 levels at a particular residence or location
13 where children were living. So it's sort of,
14 it's been analyzed in a couple of different
15 ways. But my concern is that, yeah, I'm going
16 to be living there, and my grandson will be
17 spending time with me there. And anybody else
18 who has kids along this whole stretch of line,
19 if they have children, within 300 feet of the
20 right-of-way they're going to be exposed to
21 those levels.

22 Q Okay. Thank you. In your testimony you also
23 discuss the green or clean energy nature of the
24 Project, and you have a statement that says that

1 this Project will rely on a source of energy
2 that has just as large or larger carbon
3 footprint as fossil-based energy projects do,
4 and I was wondering if you could provide the
5 basis for that opinion?

6 A (Quinn) Well, that actually was a statement that
7 I asked to be taken out of my testimony at the
8 beginning of proceedings today.

9 Q I missed that. I'm sorry.

10 A (Quinn) It was sort of in a moment of passion I
11 wrote that. But I have other articles that show
12 that there's significant greenhouse gas
13 emissions from the reservoirs that are
14 associated with hydroelectric power. So there's
15 an effect, but I can't quantify that and compare
16 the carbon footprint of one to the other.

17 Q Okay. So if I understand that then, your
18 position is that this is not a zero carbon
19 project, but it may not rise to the same level
20 as a fossil plant.

21 A (Quinn) I don't know that it doesn't. I don't
22 know that it does. I don't have all of the
23 information to make that determination. What I
24 do know is that the greenhouse gas emissions of

1 CO2 and methane that come out of reservoirs
2 associated with hydroelectric power facilities
3 has significant greenhouse gas emissions. And
4 not only that, but they take away the trees that
5 would be taking in some of that carbon dioxide
6 so that carbon-capturing capacity is lost as
7 well.

8 Q Okay. Thank you very much.

9 Ms. Townsend and Ms. Crane. You covered a
10 lot of ground earlier today so you actually
11 answered many of my questions.

12 Your testimony identifies the properties
13 that the Webster family owns as running from the
14 Sawhegenet Falls area south along the Project,
15 and I think you refer to a campground as sort of
16 the southerly end.

17 A (Crane) That's correct.

18 Q Is the properties of your family, are they all
19 between River Road and the river on the
20 Bridgewater side? Or do they extend to the far
21 side of River Road?

22 A (Crane) No. They extend another, well, it's
23 about 200 acres. It's not a regular-shaped lot,
24 but it goes up Bridgewater Mountain along Cass

1 Road starting at a point that is pretty much
2 where the caption says "photo estimated water
3 body." Our property actually, this map only
4 shows a very narrow stretch of our property.

5 Q Yes. Okay. Just for the record we're looking
6 at a page from Applicant's Exhibit 201 and it's
7 Bates stamped APP68005. So your property would
8 be the bottom right-hand portion of this map and
9 then continuing down.

10 A (Crane) Down to the floor. Yes.

11 Q And in your testimony, you reference that this
12 property or at least a portion of it is in
13 current use with the recreational discount?

14 A (Crane) There are a number of different lots,
15 some of which are too small to be eligible for
16 current use. The largest of the two -- no.
17 There's at least three lots that are in
18 recreational current use totaling, approaching
19 the 200-acre number.

20 Q And are those lots also subject to the
21 recreational access discount?

22 A (Crane) Yes.

23 Q Okay. And how long have those lots been in
24 current use?

1 A (Crane) Since the mid '70s some time. I
2 believe. These only recently came into where
3 this generation are the owners so there are
4 still some things that we haven't quite unpacked
5 about the history. The recent history.

6 Q Sure. Okay. Thank you very much. I have no
7 further questions.

8 PRESIDING OFFICER HONIGBERG: There were no
9 other Intervenors who indicated they had
10 questions for this Panel. Mr. Needleman? Ms.
11 Walkley?

12 **CROSS-EXAMINATION**

13 **BY MS. WALKLEY:**

14 Q Good evening. My name is Rebecca Walkley. I'm
15 an attorney for the Applicants. I actually just
16 have a couple of questions for Ms. Quinn.

17 Ms. Quinn, I understand your degree is in
18 nursing; is that correct?

19 A (Quinn) One of them.

20 Q And you've never been retained as an expert
21 recording EMF issues; is that correct?

22 A (Quinn) No. I have not.

23 Q And you've never been recognized by a court or
24 an administrative body as an EMF expert?

1 A (Quinn) No, I have not.

2 Q Have you ever peer reviewed an article about
3 EMF?

4 A (Quinn) No.

5 Q Have you ever published a peer-reviewed article
6 or study about EMF?

7 A (Quinn) Not about EMF, no.

8 Q And one additional question, in your initial
9 Direct Testimony you put up an exhibit that I
10 think was marked as AD-N-ABTR 63. It related to
11 a transmission line that was constructed in 1985
12 or '86; is that correct?

13 A (Quinn) That was the Phase II.

14 Q And it's my understanding that line has been
15 constructed and in operation for roughly 30
16 years. To the best of your knowledge, have any
17 of the concerns that were raised in that
18 document that you put up come to fruition?

19 A (Quinn) I don't understand your question.

20 Q I'm just wondering if you have any knowledge as
21 to whether any of the concerns that were raised
22 in that exhibit that you put up have come to any
23 sort of reality.

24 A (Quinn) Well, the memo wasn't specific about

1 what the concerns were. They were just about
2 the safety of that line, and I don't know of the
3 absence or presence of evidence as to whether
4 they've come to fruition.

5 Q Okay. Thank you. I have no other questions.

6 PRESIDING OFFICER HONIGBERG: Questions
7 from the Committee for the Panel? Mr.
8 Oldenburg?

9 **QUESTIONS BY MR. OLDENBURG:**

10 Q Good evening. Thank you. I just have a few.
11 So I guess it's more towards Ms. Townsend,
12 Webster Family Group.

13 You had shown a picture of the bridge at
14 Sawhegenet Falls, and you had said that was the
15 Webster toll bridge? Is that what the name of
16 it is?

17 A (Townsend) Correct.

18 Q So I'm assuming your family, ancestors of the
19 family built it.

20 A (Townsend) Great great grandfather.

21 A (Crane) He was one of the incorporators of the
22 company that was involved in building it.

23 Q What was the purpose of the bridge? Besides to
24 get across the river.

1 A (Crane) Well, the bridge connected the farmland
2 on the west side of the river with the rail line
3 on the east side of the river. There was at
4 that point in time a train station in
5 Bridgewater. The structure is still there. It
6 actually is diagonally across an intersection
7 from the Transition Station 6, the existing
8 structure that used to be that rail station.

9 Q So they took farm products from the farm across
10 the river to the village.

11 A (Crane) That's correct.

12 Q Okay.

13 A (Crane) And its use wouldn't have been limited
14 to the land right there because the Cass Road
15 that bisects Webster Farms now was essentially a
16 thoroughfare up to the top of Bridgewater
17 Mountain, and all of the other farmers that had
18 operations up there would have come down that
19 road and across at this location.

20 Q And it was a toll bridge because your family
21 built it, and if other farmers used it they
22 should pay their fair share to get across.

23 A (Crane) Let me say that most of the
24 incorporators were probably other people who

1 wanted to use the bridge.

2 Q Right. I'm assuming since it was a toll bridge
3 there was a toll house on the end. Was that on
4 the west side of the river, I'm assuming, since
5 that's where your crops were. And is there any
6 remnants of that or was it part of the bridge?
7 Do you know?

8 A (Crane) There's lots of earthworks, but it's
9 never been excavated or explored, and that piece
10 of the property that was once part of Webster
11 farms is now Sawhegenet.

12 Q Okay. So on the other side of the river, I
13 guess the east side of the river, there's, the
14 huge, I'm assuming it's a farm. Fields. That
15 isn't part of your family's land, correct?

16 A (Crane) No. That's in a different town and
17 different county.

18 Q Right.

19 A (Crane) I'm only still learning about it.

20 Q And that's, those fields are where the line if
21 there's, if there is a view from the river,
22 those are the fields, and you don't control any
23 of that. Okay. All right.

24 A (Townsend) No. And it's, the Applicant's expert

1 discussed the buffer between the field and
2 Sawhegenet Falls and even in his analysis said
3 that there was a filtered view. There would be
4 a filtered view in leaf-off conditions. It's
5 not that narrow of a buffer now but it's also
6 because it's at the river's edge subject to an
7 erosion and there's no reason the property owner
8 needs to keep it intact.

9 Q So is the buffer, is it because it's a
10 designated river buffer or is it a top-of-bank
11 buffer?

12 A (Crane) Well, I'm not sure. It probably has
13 existed given the size of the trees since
14 everybody would have wanted there to be a buffer
15 because the river was so unpleasant you wouldn't
16 want to look at raw sewage going down the river.
17 So you would have left a bit of a buffer.

18 Q But there's, a property owner can't clear those
19 trees or could they clear those trees?

20 A (Crane) It is my understanding, and I suppose I
21 should have corrected or made mention of it when
22 I was accepting my testimony, the rules have
23 changed since we drafted our Prefiled Testimony,
24 but it is my belief that it would still, given

1 the size of these trees, be possible for that
2 landowner to meet the Shoreland Protection
3 cutting requirements and remove enough trees
4 that we would have increased, the Sawhegenet and
5 the land immediately south, would have an
6 increased view of the towers.

7 Q Okay. One brief question for, I think, Ms.
8 Quinn.

9 In the document that used to be Counsel for
10 the Public's exhibit which is now yours, it was
11 the BioInitiative?

12 A (Quinn) BioInitiative Report.

13 Q That working group. You had mentioned that one
14 of the things, you thought more of that report
15 because it was made, the group was unbiased,
16 they weren't industry expert, they weren't
17 related to; did I understand that right?

18 A (Quinn) Yes, and they commented on that in the
19 process of the report that they saw this as a
20 strength of this report that they were not
21 constrained by the interests of these various
22 other sectors, I guess.

23 Q They weren't, the report wasn't paid by one side
24 or the other?

1 A (Quinn) They were not subject to political
2 pleasure or the presence of industry people in
3 their group.

4 Q So when the Applicant's experts were up, there
5 was a number of documents that were put up by
6 the World Health Organization. I don't know if
7 you had a chance to read those.

8 A (Quinn) Um-hum.

9 Q Any thoughts or opinions one way or the other on
10 that group? And do you hold them, the documents
11 that they would produce to sort of the same
12 level or --

13 A (Quinn) Certainly. I mean, I have a very high
14 regard for the World Health Organization. I
15 think that what they say is there's, you know,
16 there is an association between EMF and
17 certainly childhood leukemia. But that for that
18 evidence to be sort of, you know, a causal,
19 reach the level of causal relationship, that
20 more investigation needs to be done, that they
21 don't feel like it's quite there yet.

22 Q Okay.

23 A (Quinn) Whereas the BioInitiative folks, which
24 came later than the World Health Organization's

1 determination, they feel differently. They feel
2 it's strong enough.

3 Q Okay. Thank you. That's all the questions I
4 have.

5 PRESIDING OFFICER HONIGBERG: Mr. Wright?

6 **QUESTIONS BY DIR. WRIGHT:**

7 Q Good afternoon, folks.

8 Ms. Quinn, I just want to follow up on
9 that.

10 I think we've established that prior to
11 today nobody's brought up this report up to this
12 point. Correct?

13 A (Quinn) I don't believe so.

14 Q Okay. Can you just help -- like any good
15 scientist, I quickly jump to the conclusion
16 section of the report. I have to admit that's
17 dangerous. But I did notice on page 62 where
18 they talk about the one milliGauss which I think
19 you're suggesting is what they're recommending.

20 A (Quinn) Yes.

21 Q I see two statements in there that kind of
22 conflict to me, and I was wondering if you could
23 really quickly help me understand it.

24 At the middle of page 62, it mentions, it

1 mentions the one milliGauss level, and it says
2 these values, arbitrary at present, only
3 supported by the fact that in many studies this
4 level has been chosen as a reference.

5 So I read that sentence and I question are
6 they really recommending the one milliGauss.
7 But then down below I read another sentence that
8 calculating a guideline based on unit risk
9 approach leads to a level close to one
10 milliGauss. I know I'm kind of putting you on
11 the spot. It's a big report. I'm just trying
12 to reconcile in my mind those two statements.

13 A (Quinn) Well, I think what this group is
14 advocating for is to have safety levels set
15 below where the risk is. And if you look at the
16 data on a lot of these studies, the risk starts
17 to go up when you get in the 2 to 3 to 4
18 milliGauss level. So they're saying there's
19 enough of a concern here that we should be
20 setting the limits below that.

21 Q Okay. That's helpful. I think I understand
22 your thought. Just to clarify, one milliGauss
23 is .1 microtesla, correct?

24 A (Quinn) Right.

1 Q Thank you.

2 PRESIDING OFFICER HONIGBERG: Anyone else
3 on the Committee?

4 **QUESTIONS BY PRESIDING OFFICER HONIGBERG:**

5 Q Ms. Quinn, I have one quick question for you.
6 What is your view on the safety of vaccines for
7 children?

8 A (Quinn) I am conflicted about that. I will tell
9 you that I vaccinated my children. It's
10 concerning to me, and I'm not sure that I could
11 make the same decision today that I did 25, 30
12 years ago. I think it's a situation where you
13 have to look at the benefit versus the risk, and
14 I certainly get concerned when I hear about
15 outbreaks of measles and things like that in the
16 community and see that as certainly a public
17 health concern as much as some of the concerning
18 data around vaccines.

19 You know, there are risks that come with
20 the diseases that vaccines are trying to
21 prevent, and so I think that that's a decision
22 that parents have to make carefully and
23 certainly in consultation with their children's
24 physician. That being said, I think that

1 situation is somewhat different from this.

2 PRESIDING OFFICER HONIGBERG: Oh, it's
3 clearly different in many ways. I just wondered
4 if you had any views on it as a nurse and
5 someone who's studied medical literature for a
6 variety of purposes.

7 A (Quinn) I think it's troubling. But again,
8 that's a decision for every parent to make with
9 their physician.

10 Q Okay. That's all I have.

11 PRESIDING OFFICER HONIGBERG: There's
12 nothing else from the Committee. This is the
13 last call question that those who have been here
14 regularly have heard. Those who don't have
15 counsel.

16 Is there something you were asked today
17 during the questioning that you feel needs to be
18 followed up on, clarified, in any way? Ms.
19 Menard?

20 A (Menard) Thank you. I was asked by the Counsel
21 for the Public whether or not I felt that the
22 Project would be in view from Pawtuckaway View,
23 and I answered yes, and I just wanted the
24 Committee to know how I arrived at that.

1 Very early on when my family was concerned
2 about, again, our tree buffer and our specific
3 concern with the right-of-way width, I had, we
4 had benchmarks out on Nottingham Road and I
5 GPS'd locations from various locations going
6 down the hill, and I put, I walked to the
7 individual poles along the right-of-way and
8 GPS'd it, took elevation ratings and then I took
9 those way points and put it on a map. And we
10 were doing active logging in one section of our
11 property, and I talked to the forester about
12 heights of the trees and so this is how I
13 arrived at the assessment about -- it's a rather
14 crude visual analysis, but that's how I came to
15 that data. Thank you.

16 PRESIDING OFFICER HONIGBERG: Anyone else?
17 Ms. Quinn?

18 A (Quinn) I just wanted to respond to the question
19 from the Applicant's attorney, Ms. Walkley.

20 I have a degree in nursing, but I also have
21 a master's in public health, and it's true that
22 I have not ever authored an article about EMF or
23 done a peer review of an article on EMF, but I
24 did study epidemiology and I studied

1 biostatistics, and I think I can interpret a
2 medical journal article as well as most people
3 who've done an MPH, and I've worked in pediatric
4 oncology. So I know the effects of such things
5 so I just wanted to say that.

6 PRESIDING OFFICER HONIGBERG: Anything
7 else? Yes. Ms. Crane?

8 A (Crane) I neglected to identify an exhibit.
9 Exhibit 68 which was the Bridgewater Town Map
10 209 that I intended to add to our Exhibit List.
11 And I also wanted to say that Mr. Aslin's map
12 reminded me of how much land there is south of
13 Webster Farms about which there was almost no
14 testimony.

15 PRESIDING OFFICER HONIGBERG: Okay.
16 Anything else? Ms. Townsend?

17 A (Townsend) Yes, I'd like to respond to a
18 question that Mr. Oldenburg asked about why
19 people might have created a buffer along the
20 river. I think it's important to understand
21 that because the river was polluted from the end
22 of the 19th century to the '70s that there was a
23 long period where people turned away from the
24 river where development didn't happen there, and

1 that's the era in which the 115 kV line was put
2 through because people didn't care that much
3 about what was crossing the river at that point.

4 But the fact that people protected or moved
5 away from the river has created this very
6 unusual tree line corridor which is now an
7 important asset to our community. It's unusual
8 that a river that has become that polluted
9 really does revitalize to the extent where you
10 can have large birds and birds of prey, and that
11 it recovers and becomes not only a draw for
12 tourism but a draw for this whole industry of
13 revitalizing historic properties. So that
14 protection was actually a very important part of
15 its history. And now when you go around it,
16 what you see are the industrial things just on
17 the edge, but if you can go through it, if you
18 can take a boat or if you're walking, what you
19 experience is that it's been protected as a
20 primitive wild space and that's an asset to our
21 economy. Thank you.

22 PRESIDING OFFICER HONIGBERG: Anything else
23 from the witnesses? All right. Well, thank you
24 all for your testimony. That brings us to the

1 end of this day. When we adjourn, we will
2 adjourn until Monday, correct, Ms. Monroe?

3 ADMINISTRATOR MONROE: Yes.

4 PRESIDING OFFICER HONIGBERG: 9 a.m.?

5 ADMINISTRATOR MONROE: Yes.

6 PRESIDING OFFICER HONIGBERG: We are
7 adjourned until Monday at 9 a.m.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

C E R T I F I C A T E

1
2 I, Cynthia Foster, Registered Professional
3 Reporter and Licensed Court Reporter, duly authorized
4 to practice Shorthand Court Reporting in the State of
5 New Hampshire, hereby certify that the foregoing
6 pages are a true and accurate transcription of my
7 stenographic notes of the hearing for use in the
8 matter indicated on the title sheet, as to which a
9 transcript was duly ordered;

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

17 Dated at West Lebanon, New Hampshire, this 23rd
18 day of December, 2017.

19
20 _____
Cynthia Foster, LCR

