

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

December 21, 2017 - 1:46 p.m. DAY 70
49 Donovan Street **Afternoon Session ONLY**
Concord, New Hampshire

{Electronically filed with SEC 1-02-18}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Chmn. Martin Honigberg <i>(Presiding Officer)</i>	Public Utilities Comm.
Cmsr. Kathryn M. Bailey	Public Utilities Comm.
Dir. Craig Wright, Designee	Dept. of Environ. Serv.
Christopher Way, Designee	Dept. of Business & Economic Affairs.
William Oldenburg, Designee	Dept. of Transportation
Patricia Weathersby	Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq. Counsel for SEC
(Brennan, Lenehan, Iacopino & Hickey)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

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P R O C E E D I N G S**(Hearing resumed at 1:46 p.m.)**

PRESIDING OFFICER HONIGBERG: We have a witness prepositioned. Would you swear him in, please?

(Whereupon, **Brian Murphy** was duly sworn by the court reporter)

BRIAN MURPHY, DULY SWORN

PRESIDING OFFICER HONIGBERG: Ms. Fillmore.

MS. FILLMORE: Thank you, Mr. Chairman.

DIRECT EXAMINATION**BY MS. FILLMORE:**

Q Could you please introduce yourself to the Committee?

A My name is Brian Murphy. I'm the Land Use and Planning Coordinator for the Town of Plymouth.

Q And how long have you been in that position?

A Since early June of this year.

Q And Sharon Penney was in that position before you?

A Correct.

Q What other positions do you currently hold in the town of Plymouth?

A Code Enforcement Officer, Deputy Emergency

1 Manager, Deputy Health Officer. We wear many
2 hats in Plymouth.

3 Q So you were substituted as a witness in this
4 proceeding after Ms. Penney left Plymouth?

5 A Correct.

6 Q Ms. Penney submitted Prefiled Testimony in this
7 matter dated November 15th, 2016. Is that
8 correct?

9 A That's correct.

10 Q And that's identified as Joint Muni 105. And
11 she also submitted Supplemental Prefiled
12 Testimony dated April 17th, 2017. Is that
13 correct?

14 A That is also correct.

15 Q And that's identified with the attachments as
16 Joint Muni 106, 107, and 108. And then after
17 Ms. Penney left her position, you became the
18 Land Use and Planning Director and the Town
19 substituted you here as a witness?

20 A Correct.

21 Q And for the record, Joint Muni 337 is the letter
22 of substitution. Are you familiar with both
23 sets of Ms. Penney's testimony?

24 A Yes, I am.

1 Q Do you have any corrections or additions to make
2 to that?

3 A No. I don't.

4 Q And do you now adopt and swear to both sets of
5 testimony as your own?

6 A I do.

7 Q Thank you. Since the Town was not able to
8 provide the Committee with information regarding
9 your background because you weren't substituted
10 at a witness until after the Prefiled Testimony
11 deadline, I'd like to ask you a few questions
12 about that. Are you a resident of Plymouth?

13 A Yes, I am.

14 Q Since when?

15 A 1985.

16 Q And what was the first Town position that you
17 held?

18 A Member of the Zoning Board.

19 Q And were you the Chair of the Zoning Board?

20 A Yes, I was.

21 Q And what position did you then hold after that?

22 A Well, I left the Zoning Board when I became a
23 municipal employee, and I was hired as the
24 Zoning Enforcement Officer.

1 Q And how long were you the enforcement officer?

2 A Well, I still am. But, officially, it was
3 roughly 2007 that I started working for the Town
4 in that capacity.

5 Q During all that time, were you working with the
6 Town Planner or whoever was in the post of Town
7 Planner?

8 A Very closely. Yes.

9 Q And have you attended any seminars or workshops
10 regarding the various positions that you hold?

11 A Yes. Quite a few over the years.

12 Q I'm going to ask you a few questions about the
13 Plymouth Village Water & Sewer District. Is the
14 Water & Sewer District part of the Town of
15 Plymouth government?

16 A No, it is not. The District is a separate legal
17 governmental entity under state RSAs from the
18 Town of Plymouth.

19 Q To your knowledge, does the Water & Sewer
20 District have its own governing body?

21 A Absolutely. Yes, they're directed by a Board of
22 Commissioners.

23 Q And hold their own annual meeting?

24 A Yes. Their own meetings. They have their own

1 voting base. It's essentially an overlay
2 district upon the town.

3 Q And does the Town have any control over what the
4 District does --

5 A No.

6 Q -- with respect to the water and sewer
7 infrastructure?

8 A No. Only as far as when their infrastructure is
9 located in town roads they work closely with our
10 highway department to have the least effect on
11 the town.

12 Q Thank you. Dawn, may I have Apple TV, please?

13 What I'm putting on the screen now is
14 Applicant's Exhibit 207, and it's a Memorandum
15 of Agreement between Northern Pass Transmission
16 and the Plymouth Village Water & Sewer District.
17 Have you read this before?

18 A Yes, I have.

19 Q Can you please describe in just a few sentences
20 what this agreement does?

21 A Because the Water & Sewer District is looking to
22 replace failing infrastructure that lies along
23 South Main Street, and the Northern Pass was
24 aware of that so they offered to help with

1 economies of scale, basically saying that while
2 we have the trench open, we'll accommodate your
3 work as well.

4 Also they offered engineering fees up to
5 \$25,000, I'm given to understand, to help in
6 that effort. But it's not, it's not a done
7 deal. It was basically a gentlemen's agreement
8 to be hammered out later for the details
9 afterwards that they would offer this to them
10 with no strings attached other than at
11 commencement they would offer that money to
12 them, but all of it would go away if there were
13 any, if the Project failed or other agreements
14 weren't made and typical saving language like
15 you would see in any contract, but it seemed to
16 be, they had, they could just walk away from it
17 at any point. My understanding.

18 Q If the Water District is going to have to
19 replace or upgrade some of its infrastructure
20 along Main Street, won't that be just as
21 disruptive and damaging as the Northern Pass
22 Project?

23 A Again, it's a matter of scale, and it's also a
24 matter of the District knowing where they're

1 working and working with the Town to mitigate
2 any problems in that regard. We've done it in
3 the past, and we've had night work or the
4 trenches would be closed and the traffic would
5 be free to operate during the day.

6 Q I'm going to show you now what's marked as Joint
7 Muni 340. These are minutes of the Board of
8 Selectmen of Plymouth dated September 25th,
9 2017. Have you read this before?

10 A Yes, I have.

11 Q And let's look at page 2 under the Chairman's
12 Comments at the top. Says that the Chair, Mr.
13 Randlett, read a letter to the people of
14 Plymouth about Northern Pass and the District.

15 And a little further down, Mr. Ahern made a
16 motion that the Select Board members sign the
17 letter Mr. Randlett drafted which states the
18 explanation from the Board of Selectmen's
19 perspective about the MOA between the District
20 and Northern Pass, and that vote was accepted.

21 So I would now like to show you that
22 statement and then ask you a question about
23 that.

24 A Sure.

1 Q This is Joint Muni 341 which is a statement, the
2 statement from the Board of Selectmen referenced
3 in those minutes. Have you read this before?

4 A Yes, I have.

5 Q Would it be fair to summarize that the first
6 half of this letter says essentially that the
7 Selectmen had learned that the District entered
8 an agreement with Northern Pass and then listed
9 some of the Town's concerns regarding the
10 Project?

11 A Yes.

12 Q And then these three paragraphs at the end,
13 these three paragraphs at the end say, "We the
14 Board of Selectmen wish to tell you, the people
15 of Plymouth, that we have listened. You have
16 voiced your concerns on Northern Pass, and we
17 have followed your direction."

18 Next paragraph. "It's unfortunate that the
19 Plymouth Village Water & Sewer Commissioners are
20 supportive of Northern Pass. The Board of
21 Selectmen is not associated with Plymouth Water
22 & Sewer though we sometimes have a strong
23 influence on one another's mission."

24 And then the last sentence says, "The Board

1 of Selectmen in no way supports Northern Pass or
2 the Memorandum of Agreement between it and
3 Plymouth Village Water & Sewer as it does not
4 embrace our mission."

5 Do you know, before this statement was
6 issued, do you know if the Selectmen or other
7 Town employees had or officials had heard from
8 the people of Plymouth about the agreement that
9 the Water & Sewer District had entered?

10 A Yes, we did.

11 Q Can you tell us a little about that?

12 A We kind of backed into the information. There
13 was a resident who was passing through
14 Pennsylvania, happened across it, I don't know
15 where, transmitted it back to Plymouth, and it
16 was brought to the Selectmen's attention.

17 Q And is it your understanding that citizens might
18 sometimes be confused about the relationship
19 between the District and the Town?

20 A Absolutely. Typically, in a municipality, the
21 Public Works Department encompasses water and
22 sewer and all the highway functions. In
23 Plymouth, the Water & Sewer District, which grew
24 out of an original fire district is, as I said

1 before, a separate governmental entity.

2 Q And what's on the screen now is Joint Muni 342.
3 This is a statement from the Plymouth Village
4 Water & Sewer District dated October 6th, 2017.
5 Have you read this before?

6 A Yes, I have.

7 Q And is it your understanding that the District
8 received some complaints about the MOU with
9 Northern Pass?

10 A Yes, I am aware of that.

11 Q And would it be fair to summarize that in this
12 press release the District addressed those
13 complaints and explained what its position was
14 regarding the Project?

15 A Yes. They certainly clarified that.

16 Q And so having read this press release, is it
17 your understanding that the Water & Sewer
18 District is not in favor of the Northern Pass
19 Project but is instead neutral?

20 A That would be my understanding, yes.

21 Q Thank you.

22 MS. FILLMORE: The witness is available for
23 cross-examination.

24 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

1 (Discussion off the record)

2 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

3 You may proceed.

4 MR. PAPPAS: Thank you, Mr. Chairman.

5 **CROSS-EXAMINATION**

6 **BY MR. PAPPAS:**

7 Q Good afternoon, Mr. Murphy. I'm Tom Pappas. I
8 represent Counsel for the Public in this
9 proceeding.

10 There's been a lot of testimony about
11 impacts to downtown Plymouth so I'm not going to
12 ask you about those, but what I want to ask you
13 about that's related to that is some questions
14 about the detour route around the Plymouth
15 downtown. Okay?

16 Do you have something in front of you on
17 the screen?

18 A I do.

19 Q Okay. What's in front of you on the screen is
20 Counsel for the Public's Exhibit 202 which is
21 the detour around Main Street during
22 construction of the Northern Pass Project. Do
23 you see in the top middle the traffic circle in
24 Plymouth?

1 A I do.

2 Q Do you see that?

3 A Yes, sir.

4 Q And if you follow the yellow, the yellow will
5 show you the detour route around a section of
6 downtown Main Street, and if you follow it, it
7 goes along the top moving to the left along
8 Route 3 and then going up Merrill Street. Do
9 you see that?

10 A Yes, sir.

11 Q Now, along Merrill Street, are those buildings
12 part of Plymouth State University?

13 A Yes, they are.

14 Q And are they both academic buildings as well as
15 student housing?

16 A Yes. They are.

17 Q And then the detour route makes a turn on to
18 Langdon Street; do you see that?

19 A Yes, sir.

20 Q Now, there's a big building at the corner of
21 Merrill and Langdon; do you see that?

22 A Yes.

23 Q What's that building?

24 A That would be within the yellow box?

1 Q Yes.

2 A University property. I'm not exactly sure what
3 that they do there.

4 Q That's part of Plymouth State?

5 A Yes, sir.

6 Q Is that a Plymouth State parking lot?

7 A Yes, it is.

8 Q Then the route goes along Langdon Street until
9 it hits Highland Street, do you see that?

10 A Yes.

11 Q What kind of, what are the use of the buildings
12 along Langdon Street? Are they also part of
13 Plymouth State University?

14 A If you're traveling along the arrows, every
15 building to your left is University property.
16 Every building to your right is private
17 residential.

18 Q It's residential?

19 A Yes, it is.

20 Q And then the detour route turns on to Highland
21 Street and goes back down and reconnects on Main
22 Street. You can see where the yellow connects
23 on Main Street; do you see that?

24 A Yes, sir.

1 Q So would I be correct in saying that within the
2 yellow box, if you will, within the detour is
3 Plymouth State University, and then there's some
4 government buildings as well?

5 A Yes, sir.

6 Q So in your Prefiled Testimony, you discuss
7 disruption to municipal services in the
8 buildings, and I just want to ask a couple of
9 questions about those.

10 Is that City Hall right to the right of
11 Court Street?

12 A Yes, it is.

13 Q And is the parking for City Hall along that
14 road, is that where that is?

15 A Yes, the cars pictured there are employee
16 parking for Town Hall and visitors.

17 Q Okay. Is the police department in this area?

18 A No, it is not.

19 Q How about the -- why don't you let me ask this
20 question. What other government buildings are
21 within, are on this picture?

22 A The Town Hall is there to our left looking at
23 the picture. The building all the way to the
24 right that's still within the box is the post

1 office.

2 Q Okay. What's between Town Hall and the post
3 office?

4 A A church and some businesses.

5 Q Is only Town Hall and the post office shown on
6 this picture?

7 A Yes.

8 Q Now, you indicated that the Northern Pass
9 Project will have an impact on parking for
10 government buildings. Do you recall that?

11 A Yes.

12 Q Which government building were you referring to?

13 A That would be Town Hall because we are adjacent
14 to Main Street. And many of our citizens go
15 back there to do their business at the Town
16 Clerk's office and the Selectmen's Office. And
17 the post office is, the parking that's pictured
18 in front of the, that building being all the way
19 to the right next to the box, that, they have
20 the spaces in front of them and also around the
21 common on that side.

22 Q Okay. And you also testified that the Project
23 will have an impact on parking for downtown. If
24 people don't park on Main Street, where else is

1 there parking to patronize stores and shops
2 downtown?

3 A Okay. Being an older development, many of the
4 buildings along downtown are built cheek to jowl
5 with no parking. There is a municipal lot
6 that's not pictured on here. It's essentially
7 where the dotted line crosses to the top of the
8 photo where South Street would be. It's just
9 off of the picture.

10 Q And is that off to the right?

11 A At that point, it almost bisects that lot. It's
12 located behind some businesses there.

13 Q Are we talking on the right, top right-hand
14 corner of the picture?

15 A No. At the very center where the dashed line
16 is.

17 Q Okay. Got it. And it would be behind Main
18 Street?

19 A Yes.

20 Q And is that the primary parking spot if you were
21 going to access Main Street and park somewhere
22 off Main Street?

23 A Yes, as far as municipal parking is concerned.

24 Q Now, if you park there, do you then walk around

1 the buildings, go about where the traffic circle
2 is and then access Main Street?

3 A There is one route there. There's another, the
4 other one would be coming directly west of that
5 parking lot through a stairway that's, that goes
6 up the bank on the other side of the railroad
7 track to Meredith Village Savings which is the
8 building just to our right and adjacent to that
9 dashed line. And from there they would come
10 through the parking lot there and up to Main
11 Street.

12 Q Okay. So what I want to do now is just ask you
13 a few questions about the overall impact on
14 traffic in Plymouth from the proposed
15 construction. On the screen in front of you is
16 Counsel for the Public's Exhibit 657 which shows
17 downtown Plymouth and then Route 25 and 93 off
18 to the right. Do you see that?

19 A Yes, I do.

20 Q And we've highlighted the yellow detour route
21 that we saw just a moment ago; do you see that?

22 A I do.

23 Q Now, am I correct in saying that from I-93
24 there's essentially two exits in Plymouth. You

1 can either exit 25 which brings you into where
2 the traffic circle is; is that right?

3 A Correct.

4 Q Or you can exit 26 up where Tenney Mountain
5 Highway and Route 25 is, correct?

6 A That is correct.

7 Q So do you see the "H" for the hospital?

8 A Yes.

9 Q Do you have any concern in terms of traffic how
10 the detour route would impact traffic or access
11 to the hospital?

12 A Yes. We're assuming that Main Street at this
13 point is being worked on?

14 Q Yes.

15 A Okay.

16 Q And the detour route is in place.

17 A There's a constriction there. One has to go
18 around the common to the left to, you can't make
19 a left turn on Highland there. You have to go
20 around the common and access it with a right
21 turn at the post office. So there will be a
22 higher number of vehicles heading into town
23 along that route and heading north as well, but
24 they all will still have to go through

1 essentially around the common and up and then
2 make the right turn there.

3 Q Do you know the current traffic count in the
4 area of the hospital if the detour were not in
5 place?

6 A No, I do not.

7 Q Is that a heavily traveled area?

8 A It is. It's one of the major connectors in
9 town. That is Old Route 25.

10 Q So and referring to Highland Street, is that
11 what you're referring to, Old Route 25?

12 A Yes. It's Old Route 25.

13 Q So adding traffic on to Highland Street from the
14 detour would add more traffic to that heavily
15 traveled route?

16 A Yes. What's not shown here is that there are
17 two crosswalks in service of the University that
18 cross Highland as it approaches Main Street, and
19 those are heavily traveled between 11 and one
20 o'clock every day.

21 Q I take it the whole area around Plymouth State
22 University is a heavy pedestrian area.

23 A Yes, it is.

24 Q Do you see the red square?

1 A I do.

2 Q Is that the fire station?

3 A Yes, it is.

4 Q And so that's along the detour route as well?

5 A Correct.

6 Q Do you have concerns about how the traffic being
7 detoured onto Highland Street will impact the
8 fire station?

9 A With the amount of traffic and the size of the
10 roads, which are essentially service roads or
11 neighborhood roads, any increase in traffic
12 along there would impact fire apparatus or
13 ambulances moving out of the fire station.

14 Q There has been testimony in this case about two
15 HDD drilling sites in this area and the
16 Committee is well aware of them so I don't need
17 to walk the Committee through. But just so you
18 know what I'm referring to, if you look up at
19 the top right-hand side, you see where it says
20 Tenney Mountain Highway?

21 A Yes.

22 Q There will be one HDD drilling site, HDD 49,
23 that will start just to the, above the exit and
24 entrance ramp to Tenney Mountain Highway; do you

1 see that area?

2 A Yes.

3 Q And that will start there and go down to just
4 above the other entrance and exit ramp for
5 Tenney Mountain Highway. Do you see that?

6 A Yes.

7 Q There'll be a second HDD along Route 3 that will
8 start immediately below the first one and go
9 underneath the river and end along Route 3. So
10 do you see the area that I'm referring to?

11 A I do.

12 Q Okay. There's been testimony that when those
13 two HDD drillings are taking place that that
14 area that I described above the entrance and
15 exit to Tenney Mountain on those two locations
16 and then further down on Route 3 will have one
17 lane of traffic only in order to accommodate the
18 HDD drilling equipment. Do you understand that?

19 A I do.

20 Q And there's been testimony that those operations
21 will take between three to five weeks. So in
22 that three to five-week period that area of
23 Plymouth which is north of downtown intersecting
24 both entrances and exits to Tenney Mountain

1 Highway will be reduced to one lane; do you
2 understand that?

3 A Yes.

4 Q Am I correct that that's a busy traffic area
5 entering and exiting Tenney Mountain Highway
6 where those entrances are located?

7 A It is. It's feeding 93 plus Tenney Mountain
8 Highway traffic.

9 Q Okay. So let me ask you this. Do you have
10 concerns if those two HDD drilling operations
11 are occurring at the same time as the work on
12 Main Street is occurring, and, therefore, the
13 detour route would be in effect and the drilling
14 down to one lane's effect. I want to get your
15 view on how that would affect traffic overall in
16 Plymouth.

17 A Well, it certainly would create a choke point to
18 the north. Many of us actually access 93 off of
19 175 at the rotary there. Those are the folks
20 that live in the village, that being the closest
21 route. For points north and west, Route 25 and
22 the entrances and off ramps that you mentioned
23 are suitable for them or most convenient for
24 them.

1 So essentially, you can get in and out, but
2 you can't go anywhere once you get there. And
3 one-lane traffic in that area. It's a much
4 broader highway than it is down towards the
5 downtown area. The concern being if a drilling
6 site is going to reduce a very wide highway to
7 one lane that the same might be true of the
8 operations further south.

9 Q Okay. Do you think that that might have an
10 impact in terms of either people getting to the
11 hospital or the Fire Department getting out of
12 town to answer calls?

13 A Yes. Certainly the Fire Department could go
14 down Highland to the intersection at 25, cross
15 at Smith Bridge Road, come up Fairgrounds and
16 access to the north or be at the mercy of any
17 traffic backups in that one lane.

18 Q And if the Fire Department took the alternate
19 route you just described, is that a slower
20 delayed route?

21 A Well, being that, if they're responding in an
22 emergency, I guess the speed limit is kind of a
23 moot point, but certainly it adds several miles
24 of travel distance to accomplish the same thing.

1 And conversely, the police department, as
2 you know, is located north of that area, and
3 they would suffer the same trying to access
4 Plymouth as a whole.

5 Q Let me briefly ask you a couple questions on
6 orderly development. You testified that the
7 Northern Pass Project will unduly interfere with
8 the orderly development of Plymouth. Do you
9 recall that?

10 A Yes.

11 Q What type of development do you envision in
12 Plymouth in the future that would be interfered
13 with?

14 A Well, the current development as it stands. It
15 would have a great influence on, negative
16 influence on the retail aspect of downtown as
17 the parking would be eliminated so they could
18 only access the municipal lot which certainly
19 isn't of a size to accommodate all the lost
20 parking along Main Street.

21 As it stands, we've been kind of behind the
22 eight ball. We lost a very large project in
23 2006, and even though that was located out on
24 Tenney Mountain Highway, its effects were felt

1 all the way over on Main Street. Loss of
2 taxation, things of that nature, loss of
3 traffic. So what we are trying to do is to
4 maintain our steady progress of development.
5 There are new businesses moving into town as
6 vacancies arise, though the vacancies as the
7 economy is heating up is becoming less and less
8 at this point.

9 What would happen as far as orderly
10 development, the way I see it, it would knock us
11 back 20 or 30 years as a lot of business who are
12 just starting a foothold in the town and trying
13 to build a customer base would lose that and
14 very many longstanding businesses there who've
15 come to depend on vehicle and pedestrian traffic
16 in the downtown area, they would lose out on
17 that, too. As you know, location is one of the
18 three big things in real estate, and if you have
19 a storefront along Main Street, you're paying a
20 premium to have that face to the public. If you
21 have no public to face, you are essentially
22 wasting your money.

23 Q Okay. So you just indicated that your concern
24 is maintaining the development that Plymouth has

1 had to date, and you have a concern that that
2 will set you back, as you just indicated. Do
3 you envision or do you believe that once the
4 Project is done, if it is in fact permitted and
5 built, that it will take some time for Plymouth
6 to recover?

7 A Yes, I do.

8 Q Do you have a sense of --

9 A Emphatically so.

10 Q Excuse me?

11 A Emphatically so.

12 Q Okay. Can you give us a sense of what you
13 believe would be the recovery period? How long
14 do you think it would take Plymouth to recover?

15 MR. NEEDLEMAN: Objection. Calls for
16 speculation.

17 MR. PAPPAS: He is the Planning Director
18 and longtime employee of the town. He's
19 testified he thinks that they would lose ground.
20 I think he's qualified to --

21 PRESIDING OFFICER HONIGBERG: Overruled.
22 You can answer.

23 A Okay. Could you repeat the question, please?

24 Q Sure. If the Project is permitted and built,

1 and the economic harm that you've just described
2 occurs, can you tell us how long you think it
3 would take Plymouth to recover from that
4 economic harm or damage?

5 A After seeing what happens within the national
6 economy as it pertains to Plymouth and having
7 something this size and the impact located right
8 in Plymouth, I would put it at years, if some of
9 the longstanding businesses were able to return
10 to their present state. They may not be able
11 to.

12 Q Okay. Let me ask you a couple of questions
13 about alternative routes around downtown because
14 there's been testimony about that.

15 Now, are you familiar with the discussions
16 that Plymouth had with the Project about
17 potential alternative routes around downtown?

18 A Yes, I am.

19 Q There's been testimony that those discussions
20 ended, if you will, with no alternative route
21 around downtown. Are you familiar with the
22 circumstances by which those discussions ended?

23 A Yes, I am.

24 Q Could you tell us what those circumstances were?

1 A We were in preliminary discussions, the Town
2 Administrator and the Town Planner, with the
3 representatives of Northern Pass discussing
4 various different routes. The citizenry did not
5 want the Board of Selectmen to facilitate it.
6 They had been communicating with the Board
7 asking for a stance and opinions on that. The
8 Board called a public hearing meeting. It was
9 very well attended. Various walks of life were
10 represented; University, retailers, citizens.
11 The overwhelming gist of it was that they
12 instructed the board to not negotiate with
13 Northern Pass in any way that would facilitate
14 the Project which would include any quid pro
15 quos that may or may not be proposed during the
16 course of discussion.

17 Q Okay. What's on the screen in front of you now
18 is Counsel for the Public Exhibit 668 which is
19 an April 12, 2011, letter from a law firm, Hogan
20 Lovells, who represented Northern Pass
21 Transmission to Brian Mills at the Department of
22 Energy. Do you see that?

23 A Yes, I do.

24 Q What's on the screen now is page 3 of that

1 letter, and I highlighted a certain portion that
2 states, quote, "Over the course of the 7 scoping
3 meetings DOE held in New Hampshire during the
4 week of March 14, it became apparent to Northern
5 Pass that several of the alternatives that
6 Northern Pass identified in its Application as
7 practical alternatives to the preferred route
8 for the Project are so lacking in public support
9 that they should no longer be deemed practical
10 alternatives," close quote. Do you see that?

11 A Yes, I do.

12 Q And then the letter goes on to specifically list
13 those alternatives that were deemed no longer
14 practical alternatives. Do you see that?

15 A Yes, I do.

16 Q Is it your opinion that the residents of
17 Plymouth significant, there's a significant lack
18 of support for the current proposed route in
19 Plymouth from the residents of Plymouth?

20 A Absolutely.

21 Q Thank you, Mr. Murphy. I have no other
22 questions.

23 PRESIDING OFFICER HONIGBERG: Am I correct
24 there's no Intervenor Group that has questions

1 for Mr. Murphy? Mr. Needleman.

2 **CROSS-EXAMINATION**

3 **BY MR. NEEDLEMAN:**

4 Q Hello, Mr. Murphy. I'm Barry Needleman. I
5 represent the Applicant in this matter.

6 Am I correct that you adopted Ms. Penney's
7 testimony in July of 2017. That's when we got a
8 letter that you would be adopting; is that
9 right?

10 A Yes.

11 Q And were you involved in any way in drafting Ms.
12 Penney's testimony?

13 A I was not.

14 Q Did you speak to Ms. Penney about her testimony
15 prior to the time that you were asked to adopt
16 it --

17 A Only peripherally.

18 Q Let me pause for a moment. If you could just
19 wait until I finish asking --

20 A Oh, I'm sorry.

21 Q We just want to create a clean record for the
22 stenographer. Thank you.

23 Could you explain to me whether you made
24 any effort to become familiar with the subject

1 matter in her testimony before you adopted it?

2 A Having read through it, yes. I did.

3 Q So you just read through it. You didn't do any
4 other due diligence to ensure that what was in
5 there was accurate?

6 A I would have to say that was correct. Yes.

7 Q And from August of 2015 to June of 2016, did you
8 have any role in Plymouth town government?

9 A Yes.

10 Q What was your role?

11 A Code Enforcement Officer.

12 Q I want to pull up Applicant's Exhibit 150 A.
13 Back in May, we submitted into the proceedings
14 an exhibit which was a summary of municipal
15 outreach and this is slightly modified and
16 updated version of that summary, and I want to
17 call your attention to the second page. There's
18 an entry that says on August 15th, 2015, where
19 it says Project representatives spoke with town
20 regarding Forward NH Plan announcement. Do you
21 see that?

22 A Yes, I do.

23 Q Are you familiar at all with that meeting or did
24 you have any role in it?

1 A None.

2 Q And are you aware of the fact that this meeting
3 occurred shortly after it was announced that the
4 Project was being revised and would now be
5 underground through Plymouth? Does that timing
6 sound about right?

7 A Roughly. Yes. Like I said, I was only
8 peripherally involved at this point.

9 Q And then there's also, Dawn, if you could click
10 back out, there's also an entry on the other
11 page in the middle, March 14th, 2017, showing
12 that the Project sent a letter to Plymouth
13 asking if the Town would be interested in an
14 MOU. Do you see that?

15 A Yes.

16 Q I just highlight that now and I'll come back to
17 it in few to minutes.

18 So I'd like to pull up Applicant's Exhibit
19 152 if I could. This was also introduced back
20 in May when the Applicant's Construction Panel
21 was testifying, and this is a timeline of some
22 events that occurred between the Applicant and
23 Plymouth, and you spoke a moment ago to an
24 element of that timeline. This relates to the

1 alternatives proposal. Is this an exhibit that
2 you've had an opportunity to look at?

3 A It kind of blurs together, but I imagine so,
4 yes.

5 Q But my question is, specifically, this was
6 introduced in May. Have you had a chance to
7 actually look at this particular exhibit?

8 A I can't answer that in the affirmative.

9 Q You just don't remember or you're not sure?

10 A I don't remember. A lot of paperwork crosses my
11 desk.

12 Q Okay. Fair enough. So a moment ago I pointed
13 you in that other exhibit to the August 2015
14 meeting. That is the same meeting that's
15 indicated here on this exhibit. And then I
16 wanted to call your attention to the February
17 2016 meeting. In that one, the Town asked
18 Northern Pass to assess alternatives to getting
19 the Project off of Main Street in downtown. Are
20 you familiar at all with what occurred at that
21 meeting?

22 A Only having heard about it from the Town
23 Administrator. From Ms. Penney.

24 Q Okay. You didn't participate in that meeting?

1 A I did not.

2 Q And further down, there's a larger entry which
3 talks about a March 31st meeting that occurred
4 between the Project team and the town where the
5 Project came back and proposed three potential
6 alternatives to getting the Project off of Main
7 Street. Do you see that?

8 A I do.

9 Q And again, same question. Did you have any role
10 in that March 31st meeting?

11 A No, I did not.

12 Q And you'll see there that, if we can leave that
13 up for a minute, Dawn. At entry C, it said that
14 the Town wanted further research from the
15 Project on these three routes and asked the
16 Project to go back and do some additional work.
17 Do you see that?

18 A I do.

19 Q And then the next entry occurs on April 18th
20 where Northern Pass met with various elements of
21 Plymouth to get additional information about
22 land ownership in the town. Do you see that?

23 A I do.

24 Q Do you have any personal familiarity with that

1 meeting?

2 A None.

3 Q And then finally we have the May 4th meeting.
4 And in that meeting, the Project came back and
5 presented the three alternatives to Plymouth
6 that it had come up with. Do you see that?

7 A Yes.

8 Q And the Town again inquired about going down 93,
9 and I think we know that the Project and
10 Plymouth disagree on that. And the Town
11 indicated that it wasn't going to be prepared to
12 say anything more to the Project until this May
13 9th Selectboard meeting. Do you see that?

14 A I do.

15 Q And let me pull up, before we talk about that
16 Selectboard meeting I want to pull up
17 Applicant's Exhibit 151. So this is also an
18 exhibit that was previously presented to the
19 Committee. This is a map of downtown Plymouth
20 which I'm sure is familiar to you, and it
21 depicts the various alternatives in graphic form
22 that the Project was looking at during this
23 time. Do you see that?

24 A I do.

1 Q And you'd agree with me that all of these
2 alternatives either in part or in full, if any
3 of them had actually been implemented, would
4 have gotten the Project off of Main Street in
5 downtown; is that right?

6 A I would agree with that, yes.

7 Q So let me now go back to the timeline if I
8 could, Dawn.

9 Again, focusing on that May 9th date, the
10 Board or the Town indicated that they wanted to
11 have this May 9th meeting before they gave
12 feedback to Northern Pass, and, in fact, that
13 May 9th meeting, it wasn't a Selectboard
14 meeting, right? That May 9th meeting was the
15 public session, the public information session
16 that you just referred to a moment ago where the
17 Selectmen got the feedback from the community.
18 Is that right?

19 A It was a scheduled Selectboard meeting so yes,
20 it was a public hearing form of the meeting.

21 Q So that's the meeting where you said, I think,
22 that the Board was instructed not to negotiate
23 with Northern Pass?

24 A Correct.

1 Q At that meeting, were these three alternatives
2 specifically presented to the crowd that was
3 assembled there?

4 A I wasn't at the meeting. I can't answer that
5 question.

6 Q Do you have any knowledge one way or the other
7 about whether those alternatives were presented?

8 A Not one way or the other, no.

9 Q So after that meeting, the Selectboard then met
10 on its own on May 23rd; is that correct?

11 A I believe so. Yes.

12 Q Were you present at that May 23rd meeting?

13 A I was not.

14 Q Have you made any effort to familiarize yourself
15 with what happened at that May 23rd meeting?

16 A Other than reading the Selectmen's minutes, no.

17 Q Okay. What I want to do is introduce now an
18 exhibit. Dawn, what's the number?

19 MS. GAGNON: 500.

20 Q This is going to be Applicant's 500. This is a
21 segment of a video that is publicly available
22 which is from that Selectboard meeting on May
23 23rd, and I'm going to play a one-minute segment
24 of that where the Board is now talking about

1 these alternatives and speaking specifically
2 about this May meeting, and then I have some
3 questions for you about that. So if we could
4 play that, please, Dawn?

5 APP EXHIBIT 500 PLAYED

6 Q So Mr. Murphy, I'm just going to represent that
7 that's a segment of a much longer video, and we
8 are going to put the full video into the record
9 so that anybody can see it. I didn't want to
10 play the full video. It's too time-consuming.

11 But I want to now ask you about that. I
12 don't know the name of the Selectmen, but the
13 first one said, "My take-away from that was that
14 we are not going to talk with them about an
15 alternative route or anything else. We are just
16 going to deal with it as-is. We are going to
17 participate in our Intervenor Group and do what
18 we can to shoo them away."

19 Were you familiar with that statement when
20 you adopted this testimony?

21 A Yes, I was. That was Chairman Mike Conkling,
22 too.

23 Q Mike Conkling. Okay. Thank you.

24 But another Selectboard member said, "The

1 only other conversation was between Attorney
2 Ratigan and me and Katherine to take anything
3 else off the table except that we are totally
4 opposed to Northern Pass, and Attorney Ratigan
5 said then I am taking any other conversations
6 regarding \$10 million, regarding an alternative
7 route, regarding a second Main Street, and
8 everything else was taken off the table."

9 Were you familiar with that statement as
10 well?

11 A Yes. But for the record, that was the Town
12 Administrator speaking on behalf of the Board of
13 Selectmen. As you know, one Selectmen can't
14 negotiate on behalf of the town.

15 Q Understood. And what's the Town Administrator's
16 name in that video?

17 A Paul Freitas.

18 Q I'm sorry. Say that again?

19 A Paul Freitas. F R E I T A S.

20 Q All right. Thank you. So now, Dawn, if we can
21 go back to the timeline we had up there a minute
22 ago.

23 Now we go to the bottom of the timeline,
24 and then after that May 23rd meeting we have the

1 last entry on the timeline where the Town now
2 gets back to Northern Pass and indicates that it
3 isn't interested in pursuing these alternatives
4 any further; is that correct?

5 A Correct.

6 Q So, Mr. Murphy, you understand that Northern
7 Pass was willing and committed to pursue
8 alternatives to get the Project off of Main
9 Street, and it was the Town of Plymouth that
10 discontinued that process, correct?

11 MS. FILLMORE: Objection. That
12 mischaracterizes what the Project had stated to
13 the Town. I don't believe that anything we saw
14 said that the project was willing and committed.

15 PRESIDING OFFICER HONIGBERG: Mr.
16 Needleman?

17 MR. NEEDLEMAN: I think it's exactly what
18 the record reflects. I've walked through it in
19 great detail.

20 MS. FILLMORE: I don't believe he said
21 anything -- I don't believe he showed any
22 exhibits that said willing and committed.

23 PRESIDING OFFICER HONIGBERG: Mr.
24 Needleman, how do you want to proceed? You want

1 to -- the record is what the record is, but do
2 you want him to assume that for purposes of this
3 question, and then if you're right, you'll be
4 able to --

5 MR. NEEDLEMAN: No. I'm going to reask the
6 question.

7 PRESIDING OFFICER HONIGBERG: Okay.

8 BY MR. NEEDLEMAN:

9 Q Mr. Murphy, you understand that Northern Pass
10 presented three alternatives to the Town and
11 that Northern Pass indicated that those three
12 alternatives could be pursued with the help of
13 the Town and that at the May 23rd meeting the
14 Town elected not to pursue those discussion
15 further.

16 A I would have to agree with that statement. Yes.

17 Q So now I want to go to your Prefiled Testimony
18 which is Joint Muni 105.

19 This first piece of testimony was filed on
20 November 15th, 2016, and that's approximately
21 six months after this video that we just saw of
22 the Selectboard meeting. Is that correct?

23 A Yes, sir.

24 Q And I want to look at, Dawn, if we could pull it

1 up, page 1, line 14.

2 And here you testify that the Town of
3 Plymouth, quote, "believes that at least one and
4 possibly more feasible alternatives exist which
5 would allow the Project to proceed without
6 causing unnecessary disruption to the Town's
7 infrastructure and economy. However, the
8 Applicants have refused to consider such
9 reasonable and practical alternatives."

10 Did I read that correctly?

11 A That's what it says.

12 Q And then over on page 2 you continue, and you
13 discuss what you believe to be those
14 alternatives; is that right?

15 A Yes.

16 Q At the time you adopted this testimony, were you
17 aware of the course of dealing that we just went
18 through that culminated in that May 23rd meeting
19 with the Selectboard?

20 A No.

21 Q So given that you didn't have that knowledge,
22 and that you now have that knowledge, isn't it
23 fair to say that the statement, "the Applicants
24 have failed to consider such reasonable and

1 practical alternatives" is not actually correct,
2 and, in fact, the opposite is true?

3 A My opinion is if that was what they wanted they
4 would have offered it first.

5 Q I don't understand your response. Let me try to
6 be more specific.

7 Your testimony is that the Applicants,
8 quote, "have failed to consider such reasonable
9 and practical alternatives." In fact, that's
10 not true, is it? The Applicant specifically
11 considered such alternatives and the Town
12 rejected them.

13 A I think that the action to promote digging
14 through Main Street is the preferred route as
15 presented by Northern Pass.

16 Q And that's the route that the Town opposes and
17 Northern Pass proposed alternatives to that;
18 isn't that correct?

19 A Yes.

20 Q And the Town rejected those alternatives,
21 correct?

22 A Yes.

23 Q And so it's not accurate to say that Northern
24 Pass failed to consider reasonable alternatives,

1 is it?

2 A In preliminary discussions, I would have to
3 agree with you there.

4 Q I asked you a little while ago about the
5 Memorandum of Understanding, and we saw that
6 that was sent to the town I think on March 14th
7 or March 15th, and the Selectboard elected not
8 to pursue an MOU with Northern Pass. Is that
9 correct?

10 A Correct.

11 Q And that remains the position of the Town today?

12 A Correct.

13 Q And you were asked a little while ago about the
14 MOU with the Plymouth Water & Sewer District,
15 and you said that it's, quote, "not a done
16 deal." Do you remember saying that?

17 A Yup.

18 Q In fact, isn't it true that that's an executed
19 agreement at this point?

20 A As far as an agreement is concerned, yes. It is
21 executed. The terms and conditions and the
22 underlying details are not.

23 Q But --

24 A To my understanding.

1 Q But certainly as an executed agreement, at this
2 point whatever the agreement requires of both
3 parties is a done deal.

4 A I believe so. I'm not qualified nor am I
5 interested in discussing Plymouth Village Water
6 & Sewer District.

7 Q Are you aware that the Applicants retained Louis
8 Karno & Company to meet with businesses in
9 Plymouth and elsewhere to understand the
10 concerns that they had?

11 A I'd heard that they had but not the name of the
12 firm.

13 Q Let me put up Applicant's Exhibit 216. This is
14 actually a revised version of Exhibit 216 which
15 was introduced earlier this year, and the blue
16 on here is updates that have occurred since the
17 time the exhibit was originally introduced, and
18 what's happened in particular is that since that
19 time, Louis Karno has met with 13 additional
20 businesses in Plymouth as well as others.

21 Do you recall at any point, Mr. Murphy,
22 reviewing a copy of this original exhibit?

23 A No, I do not.

24 Q And are you aware that some of the feedback that

1 Louis Karno has received from a number of Main
2 Street businesses was questioning the Project as
3 to why it didn't get off Main Street and go some
4 place like Green Street?

5 A I had heard that, yes.

6 Q Let me pull up, Dawn, what's the next exhibit,
7 the article?

8 MS. GAGNON: 491.

9 Q I'm going to pull up Applicant's 491. This is a
10 newspaper article that came out after the Site
11 Evaluation Committee visited Plymouth not too
12 long ago, and there was a demonstration
13 downtown. And I want to go to page 2. And if
14 you go -- no, further down the page, Dawn.

15 There's a paragraph that begins "well-known
16 Plymouth businessman was disappointed" and
17 starts talking about this. Further down in that
18 paragraph -- well, first of all, I assume you
19 know Mr. Ray?

20 A Was that to me, sir?

21 Q Yes.

22 A Yes.

23 Q At the bottom of the page, quoting Mr. Ray, it
24 says, "There are other choices for sure if

1 Northern Pass ever comes to fruition. Money
2 talks and that's what's going to happen. If it
3 happens, let's keep it off Main Street. That's
4 my number one push."

5 Do you see that?

6 A I do.

7 Q So my question to you is given the feedback that
8 Louis Karno is getting about pushing the Project
9 after Main Street and given the comments like
10 from a businessman like Mr. Ray in Plymouth, do
11 you know whether the town of Plymouth ever
12 informed Mr. Ray or these businesses that, in
13 fact, an opportunity did exist for the Project
14 to be off Main Street but the Selectboard chose
15 not to pursue it?

16 A I think it was an open secret that prior to the
17 meeting there were negotiations, not
18 negotiations, but conversations concerning
19 alternate routes, and those were apparent in the
20 community.

21 Q Okay. Let me move on to another topic.

22 Are you aware that the Applicant's
23 Construction Panel testified about efforts to
24 work with municipalities to discuss and

1 coordinate emergency response?

2 A I'd heard that. Yes.

3 Q And I want to call up another exhibit. Dawn,
4 which one is this?

5 MS. GAGNON: 489.

6 Q This is Applicant's 489. This is a letter that
7 was recently sent to the town of Plymouth
8 dealing with the issue of trying to coordinate
9 emergency response and requesting discussions
10 with the Town about that. Have you seen this
11 letter?

12 A No, I have not.

13 Q Are you aware of the fact that during the Tech
14 Sessions we had when we were questioning Ms.
15 Penney about the Town of Plymouth's concerns,
16 one of the things that she talked about was
17 community health and safety?

18 A Yes.

19 Q And Ms. Penney stated that the town was
20 concerned about how traffic would be managed
21 with respect to the delivery of emergency
22 services. Did you know that?

23 A Yes.

24 Q And I asked Ms. Penney if the town was

1 interested in working with the Project to try to
2 address these issues, and Ms. Penney said that
3 she thought a conversation about that would be
4 helpful. Did you know that?

5 A No, I did not.

6 Q And are you aware of the fact that following the
7 letter that was sent to Plymouth on December
8 11th the Selectboard at a meeting decided that
9 it would not respond to this letter?

10 A I guess.

11 Q Did you know that?

12 A No.

13 Q Do you have any information as to why the
14 Selectboard decided it didn't want to respond to
15 the letter?

16 A Nothing concrete. I can draw conclusions.

17 Q Well, I'm not going to ask you to speculate.

18 A Okay.

19 Q One final topic, sir. Let me pull up
20 Applicant's Exhibit 1, Appendix 44. This is a
21 chart that was produced by one of the
22 Applicant's experts in this matter, Dr. Shapiro.
23 And this chart estimates the property taxes that
24 the Project would pay to Plymouth in the first

1 year of its operation if it were built as
2 proposed. Have you ever seen this exhibit
3 before?

4 A It looks familiar to me. I'll say that.

5 Q Now, am I correct that the Plymouth Board of
6 Selectmen recently voted to increase property
7 taxes in Plymouth by \$4.39?

8 A They did not vote that way.

9 Q Okay.

10 A But they set the tax rate.

11 Q I'm sorry. They set the tax rate. And it was
12 set to increase by 4.39; is that right?

13 A That's both the municipality and the school
14 district which is tax billed separately.

15 Q And my understanding is then that it would go
16 from \$25.17 to \$29.58 which is about a 17
17 percent increase.

18 A Yes.

19 Q And I understand that the reason for the
20 increase was that there was a loss of revenue of
21 about \$907,000 in Plymouth; is that right?

22 A That's correct.

23 Q And isn't it true that if the Project were put
24 into effect, in the first year the taxes that it

1 would pay, according to this chart, would more
2 than offset that revenue loss.

3 A That would be \$2 on the tax rate. So it would
4 be half.

5 Q Okay. Fair enough. Thank you, sir.

6 A Thank you.

7 PRESIDING OFFICER HONIGBERG: Members of
8 the Committee? Questions? Yes. Mr. Oldenburg.

9 **QUESTIONS BY MR. OLDENBURG:**

10 Q Good afternoon.

11 A Good afternoon.

12 Q Question on the roundabout construction that
13 went on. DOT built the roundabout in High
14 Street and Main Street. I don't know if you
15 were working for the town back then. But were
16 you aware that there was a gasoline-contaminated
17 soil that was encountered during that
18 construction?

19 A Yes.

20 Q And that there's a, basically, if my memory
21 serves me right there's a gasoline plume from
22 one side of the road all the way almost to the
23 river?

24 A There are several monitoring wells that were

1 established and had preexisted that we built.

2 Q Do you know if any of the work, the underground
3 work, is going to encounter that or could
4 encounter that?

5 A No, I don't know. Because the leak was never
6 pinpointed.

7 Q All right. I don't, I just want a
8 clarification. I don't know if, Sandie, can you
9 bring up the Counsel for the Public 202? It's
10 an exhibit that Mr. Pappas put up. It was the
11 detour route.

12 Is it on the screen?

13 A Yes, sir.

14 Q If I remember, I think you said anything inside
15 the yellow was University property and anything
16 outside was private property?

17 A For the most part. Yes.

18 Q So one thing, I think, if you see where it says
19 Merrill Street.

20 A Yes.

21 Q Outside of the yellow, sort of off to the left
22 and off the screen, isn't there a large
23 University apartment complex that sits there?

24 A Yes. The entrance is there. Actually, about

1 halfway down. Where it says Merrill. That is
2 the driveway access to what we call the married
3 student housing. Today, this is an older
4 picture, at the corner of Langdon and Merrill
5 Street, there's an 850-bed dormitory that was
6 built by the University in the past couple
7 years.

8 Q How many stories is that?

9 A Five, six, or more. May I clarify something?

10 Q Yes.

11 A I'm not aware of the exact numbers of that
12 because the University is statutorily exempt
13 from local ordinance. So we had no involvement
14 with that other than on the highway itself, on
15 the river.

16 Q If I remember correctly, the University has
17 several, has taken extraordinary efforts in some
18 cases for pedestrian crossings like from the
19 crossing from the ice arena over to the field
20 complex?

21 A Um-hum.

22 Q There's a crosswalk sign, and when a person
23 enters the crosswalk, there's strobe lights that
24 flash warning drivers --

1 A Yes.

2 Q -- that there's a person in the crosswalk. If I
3 remember, isn't there, there's also a couple
4 more in town?

5 A Yes. On Highland Street.

6 Q Is there one on Merrill Street?

7 A No, there's not.

8 Q And there's -- do you know how many students
9 cross Merrill Street?

10 A Seems like all of them. But no, I have no idea.

11 Q Is it comparable to what crosses like High
12 Street and --

13 A I would say that there were more crossing
14 Highland because the science building is located
15 to the south whereas crossing at Merrill, it's
16 residences that are to the north. So it's
17 different crossings at different times of the
18 day. And also Merrill Street isn't a thruway.
19 It's a deadend into a residential neighborhood.

20 Q Okay. I don't want to beat the MOU to death
21 here, but I guess one of my concerns is without
22 an MOU, if we approve the Project, do you
23 believe that Northern Pass is under any
24 obligation to negotiate an alternate route with

1 the Town if they wanted to do that?

2 A I think they would have to because we control
3 the streets. That's within the purview of the
4 Board of Selectmen.

5 Q But they can stay on Main Street. If we approve
6 it, they're going to go down Main Street.

7 A Oh, I'm sorry. I thought you meant an
8 alternative traffic route.

9 Q No, I mean an alternative route for the
10 underground line. I mean, if the Town then
11 wanted to say, well, wait a second. We know
12 this is going forward. We'd like the
13 alternative route, please, off the Main Street.
14 Do you --

15 A As much as we do from the corporate entity as
16 the Town of Plymouth, the community says no.

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

18 PRESIDING OFFICER HONIGBERG: Ms.
19 Weathersby?

20 **QUESTIONS BY MS. WEATHERSBY:**

21 Q Good afternoon. Couple quick questions. You
22 had mentioned early in your testimony about a
23 development opportunity that was lost by the
24 Town off of Tenney Mountain Highway. Did that

1 have anything to do with the Northern Pass
2 Transmission Project coming through?

3 A No. Not at all. It was just to show that any
4 effect in the town affects us all, no matter
5 where it's located.

6 Q And second question is is the fairgrounds still
7 used for anything?

8 A That was purchased by New Hampshire Electric
9 Co-op.

10 Q Okay. Thank you.

11 A I don't know what they're going to do with it.

12 Q Thank you. Nothing further.

13 PRESIDING OFFICER HONIGBERG: Mr. Way?

14 **QUESTIONS BY MR. WAY:**

15 Q Good afternoon. The business incubator
16 Enterprise Center that's at the rotary?

17 A Yes, sir.

18 Q Where are they currently parking? I know
19 parking is really tight there. Where are they
20 currently parking?

21 A I believe they're parking in Holderness across
22 the river just in front of where the ice arena
23 is if you're familiar with it. If you cross 175
24 and make a right turn at River Street, I believe

1 it is.

2 Q So they likely will not be impacted, would you
3 say? Or is there, do you see any issues there?

4 A Not with their parking, no. And if they're
5 accessing it from the 175 side, then it probably
6 wouldn't affect them.

7 Q And then the detour route that we talked about,
8 the Langdon loop, has, and maybe I'm thinking
9 back to when the rotary was put in place. Has
10 the town used that detour route before?

11 A Yes, in conjunction with the University during
12 graduations. We'll designate some streets one
13 way. It generally comes up Highland Street or
14 High Street which is directly across from 175 on
15 the rotary.

16 Q Um-hum.

17 A Which also passes into the residential
18 neighborhoods and then it's feathered out to the
19 north and south from there.

20 Q And Highland, isn't that what the Applicant is
21 proposing, going up Highland? Did I miss that?

22 A High Street, not Highland.

23 Q High Street.

24 A Two different streets.

1 Q All right. Have you had any problems with those
2 detours during graduation? I imagine it's
3 sluggish.

4 A Yeah, other than that, no. They seem to work,
5 and they're safely done. They're pretty much
6 designed by Plymouth Police Department and the
7 University Police.

8 Q All right. Thank you.

9 A Thank you.

10 PRESIDING OFFICER HONIGBERG: Mr. Iacopino?

11 **QUESTIONS BY MR. IACOPINO:**

12 Q Sir, do you know how many parking spots there
13 are on Main Street between Highland and the
14 traffic circle that heads out to Holderness?

15 A Had I brought the Master Plan updates, we have
16 the new parking information in there. Transport
17 Study done by North Country Council. Just
18 figuring a typical parking space is about 20
19 feet long, that would be along the easterly side
20 of Main Street which is all parallel parking.
21 At the common, they're pull-in parking, diagonal
22 parking, so there's a few.

23 Q Do you know how many there are?

24 A I do not.

1 Q And is there parking on the west side of Main
2 Street, too, or not?

3 A Yes.

4 Q And Green Street is a town road?

5 A Yes, it is.

6 Q Do you know what it's classified as?

7 A It would be Class V if it's a town road.

8 Q And South Street is a town road as well?

9 A Yes. One turns into the other, changes
10 designation as you cross the, what I call the,
11 it would be Chase Street or the Highland Street
12 Extension.

13 Q What about Railroad Square; is that a town road?

14 A No. It is not. That's all private property.

15 Q What about where the Plymouth Skate Park is?

16 A That, too, is private property.

17 Q Okay. Thank you.

18 A You're welcome.

19 PRESIDING OFFICER HONIGBERG: Anything else
20 from the Committee?

21 Ms. Fillmore. Do you have any redirect?

22 MS. FILLMORE: I do.

23 **REDIRECT EXAMINATION**

24 **BY MS. FILLMORE:**

1 Q You were asked a little about taxes. School tax
2 and town tax. Does the town keep the money, to
3 your knowledge, that it collect for the school
4 tax?

5 A I'm not sure how it works, but I imagine it gets
6 to the school sooner or later. It's delivered,
7 it's on one tax bill that will show a town
8 portion and a school portion, and then it's
9 distributed through the town tax collector.

10 Q Like a pass-through.

11 A I believe so. Yes.

12 Q And you were asked about the tax revenue that
13 the Project would bring. Isn't tax revenue
14 helpful?

15 A It is. What's particularly unsettling is the
16 sunseting of the tax revenue and the 40-year
17 depreciation where essentially in 41 years they
18 would yield zero. The New Hampshire Electric
19 Co-op has been and always will pay taxes to the
20 town for their lines in our roadways.

21 Q Mr. Needleman asked you about the discussion of
22 alternatives in the Prefiled Testimony. Would
23 you say that as far as the Green Street
24 alternative goes that that carries with it some

1 of its own issues?

2 A Yes, it does. Not for the town side. I'm
3 sorry.

4 Q Isn't it true that there is a alternative that
5 the Town would consider reasonable and
6 practical?

7 A Yes, there is.

8 Q What would that be?

9 A Continuing the corridor down I-93 would be the
10 best for the Town of Plymouth.

11 Q Mr. Pappas asked what concerns you have about
12 the impact of Northern Pass on the orderly
13 development of Plymouth. Would it be fair to
14 summarize your response to that question as
15 concern that the Project would damage the
16 downtown area's existing economy?

17 A Yes, indeed.

18 Q And would you say that the town has been working
19 hard over the years to keep the downtown
20 vibrant?

21 A We really have. Actually when Tenney Mountain
22 Highway was improved, it was, it realized that
23 there were certain types of businesses that
24 would be better suited, car dealerships, big box

1 stores, more of that nature. More of a
2 commercial corridor. The downtown merchants
3 were very concerned about the movement of
4 business out to Tenney Mountain Highway, but
5 they realized that they had a golden opportunity
6 to make the downtown Plymouth a walkable, almost
7 boutique downtown. There's a number of sidewalk
8 cafes. Just about everybody has taken advantage
9 of that in the years since I've been there.

10 Q And Dawn, may I have Apple TV, please?

11 I'm going to bring up a page from
12 Plymouth's Master Plan which is part of Joint
13 Muni 105. This is page 19 of the Master Plan,
14 and would you say that your answer is consistent
15 with the highlighted portion here on number 3?

16 A Yes, I would.

17 Q And that is, for the record, "Specific
18 recommendations for the high intensity lands
19 maintain and enhance the downtown as a compact
20 mixed-use village."

21 A Yes.

22 Q And one final thing. You were asked about the
23 various times during which the town of Plymouth
24 expressed its opinion about this Project. Would

1 you say that the citizens of Plymouth are still
2 of the same opinion?

3 A Absolutely.

4 Q What's on the screen now is Joint Muni 343.
5 This is an excerpt from the 2017 Plymouth Town
6 Meeting Minutes, and are you familiar with these
7 minutes?

8 A Yes, I am.

9 Q What we're looking at is Article 26. And
10 someone asked for a sense of the meeting
11 regarding the Northern Pass Project. And would
12 you read the part where it says, where it starts
13 "be it resolved"?

14 A "Be it resolved that the residents of the Town
15 of Plymouth are united and unalterably opposed
16 to the proposed transmission line being buried
17 under NH Route 3 right-of-way through the
18 Plymouth downtown business district. If the
19 power line is brought into the state, it should
20 be buried along the I-93 corridor right-of-way
21 to a point south of Plymouth where it can be
22 transitioned to an existing overland power
23 corridor to connect into the power grid."

24 Q And it says the vote was unanimous?

1 A Yes, ma'am.

2 Q And is it your understanding that that remains
3 the opinion to this day?

4 A It is. It is.

5 Q Thank you very much. I have no further
6 questions.

7 COMMISSIONER BAILEY: All right. Thank
8 you, Mr. Murphy.

9 WITNESS MURPHY: Thank you.

10 COMMISSIONER BAILEY: You can return to
11 your seat, and we'll proceed with the next panel
12 of witnesses from the Pemigewasset River
13 Advisory Council.

14 (Whereupon, *Max Stamp, Gretchen Draper*
15 and *Barry Draper* were duly sworn by the
16 court reporter.)

17 **MAX STAMP, DULY SWORN**

18 **GRETCHEN DRAPER, DULY SWORN**

19 **BARRY DRAPER, DULY SWORN**

20 **DIRECT EXAMINATION**

21 **BY MR. IACOPINO:**

22 Q Good afternoon. I am going to ask you each to
23 identify yourself and tell us where you live.

24 I'm going to start on my left with Mr. Stamp and

1 if we'll go down the table.

2 A (Stamp) Max Stamp. Bristol, New Hampshire.

3 (Discussion off the record)

4 Q Ms. Draper?

5 A (G. Draper) I'm Gretchen Draper. I live in New
6 Hampton, New Hampshire. Blake Hill Road.

7 Q Thank you. Mr. Draper?

8 A (B. Draper) And I'm Barry Draper, and I live
9 with this lady.

10 Q And if I understand correctly, you're all
11 members of the Pemigewasset River Local Advisory
12 Committee.

13 A (G. Draper) Yes.

14 Q Okay. Mr. Stamp, I'm going to start with you.
15 I know that you have filed Prefiled Testimony
16 dated November 15th, 2016, which has been marked
17 as Pemi 2. Is that correct?

18 A (Stamp) Correct.

19 Q And I know that you've also filed Supplemental
20 Prefiled Testimony indicated April 17th, 2017,
21 which is marked as Pemi 6. Is that correct?

22 A (Stamp) That's correct.

23 Q Do you have any corrections to make to either of
24 those two exhibits?

1 A (Stamp) I do.

2 Q Why don't you tell us what your corrections are.

3 A (Stamp) In the Prefiled Testimony, November
4 15th, page 3, line 61, towers to be constructed
5 over 132 miles. The number is 2000 there. I
6 want to change that to 1186.

7 Q Please speak right into that microphone when
8 you're telling us your changes.

9 Are there other corrections?

10 A (Stamp) Yes. Line 62. Towards the end of the
11 sentence. There is a tower, that indicates
12 there will be a tower every -- I want to strike
13 320 and insert 500 feet.

14 Line 63. Towers will average 85 feet in
15 height. Strike the 80.

16 I want to strike lines 66 and 67
17 completely. Take them out.

18 Line 68. Take out the 6 inch. Third word.
19 And further on in the sentence, had to be
20 raised, this is referring to crossarms,
21 crossarms had to be raised to five feet. Take
22 out five feet and insert three to five feet.

23 On page 4, same document. Line 96.

24 Particularly the Pemi River which the Northern

1 Pass Project -- I want to insert the word
2 "loosely" tracks instead of just tracks.

3 Same page, line 109, strike the 40 square
4 feet and insert 30 square feet.

5 And page 6, line 147, take out the 76
6 percent, insert 71 percent.

7 I think that does it.

8 Q And that's your corrections for both of your
9 Prefiled Testimonies?

10 A (Stamp) Correct.

11 Q With those corrections in mind, do you adopt
12 that testimony and swear to it here today?

13 A (Stamp) I do.

14 Q Ms. Draper, I'm going to go through the same
15 questions with you.

16 I understand that you have submitted
17 Prefiled Testimony dated November 15th, 2016,
18 which has been marked as Pemi 4. Is that
19 correct?

20 A (G. Draper) That's correct.

21 Q And you have also submitted Supplemental
22 Prefiled Testimony dated April 17, 2017, which
23 has been marked as Pemi 8. Is that correct?

24 A (G. Draper) Pemi 8 or Pemi 7. Let me see.

1 Q I have Mr. Draper being 7.

2 A (G. Draper) Okay. 8.

3 Q And do you have any corrections to those two
4 exhibits?

5 A (G. Draper) No, I don't.

6 Q And do you swear to them and adopt them as your
7 testimony here today?

8 A (G. Draper) Yes, I do.

9 Q Okay. Mr. Draper, I have Pemi 3 dated November
10 15, 2016, which purports to be your Prefiled
11 Direct Testimony. Is it?

12 A Yes, it is.

13 Q And I also have Pemi 7 entitled Supplemental
14 Prefiled Testimony for Barry Draper dated April
15 17, 2017. Is that your Prefiled Testimony as
16 well?

17 A (B. Draper) Yes, it is.

18 Q Do you have corrections to make to either of
19 those exhibits?

20 A (B. Draper) Yes, I do.

21 Q Why don't you tell us which exhibit first and
22 what corrections you're making.

23 A (B. Draper) Okay. This is the first one dated
24 November 15th, and it's on page 6 of the 7, and

1 it's on the answer to number 25, and it says,
2 what's stating there is New Hampton's
3 right-of-way has some of the most least
4 available towers.

5 I want that to be changed to this sentence,
6 and it will be, "New Hampton's current
7 right-of-way is only a cut in the hillside with
8 wooden H structures shorter than tree tops."

9 And then the next one, is on page 7. And
10 that's on the question 27, and this is the
11 answer. The answer should read, "There is only
12 one positive aspect of this Project. It has
13 brought together a powerful community of people
14 who value the uniqueness and importance of the
15 natural habitats." Thank you.

16 Q Any changes to number 7?

17 A (B. Draper) I believe that's okay.

18 Q Okay. Thank you. Now, and, okay, do you adopt
19 Pemi 3 and Pemi 7 as you've corrected it, as
20 your testimony and swear to it here today?

21 A (B. Draper) I do.

22 Q I understand that, Ms. Draper, you may have some
23 additional Direct Testimony based upon things
24 that have occurred during the course of our

1 proceedings; is that correct?

2 A (G. Draper) That's correct.

3 Q And I understand you have it all outlined point
4 by point, and you're going to take us through it
5 point by point; is that correct?

6 A (G. Draper) And as quickly as possible.

7 Q Okay. Why don't you proceed. Thank you.

8 A (G. Draper) And I also have, we're going to be
9 using the ELMO.

10 Q And thank you, Ms. Menard, for operating the
11 ELMO for her.

12 A (G. Draper) All right. Well, the first, the
13 very first information that I'd like to
14 introduce is a report which was done by the
15 Applicant. We received this report April 24th,
16 2017, which was after we sent in our testimony.
17 The name of the report is Eversource
18 Transmission Right of Way Field Review of
19 Pemigewasset Crossing.

20 Now, this report was in regards to the
21 Pemigewasset concerns about river crossings,
22 erosion and photographs that we had earlier
23 submitted showing difficulty at Blake Brook on
24 Brook Road in New Hampton. And just for the

1 matter of time, Blake Brook is going to be what
2 I want to focus on and as an example of what
3 came out of this review.

4 Q Before you get into the substance, is this Field
5 Review of Pemigewasset River Crossing dated
6 April 7, 2017, is that -- okay. It's been
7 marked as an exhibit. Applicant Exhibit 125.
8 Thank you.

9 A (G. Draper) It's the Applicant's Exhibit and
10 there's the Bates -- is it the Bates numbers?

11 I guess what the fact is that we received
12 this report in response to our concerns. The
13 Applicant hired an Eversource, Kevin Nelson to
14 do the work. We received an email and the
15 written evaluation from Kevin McCune. I guess
16 the other part that we were surprised we did not
17 know this study was being done. We had not
18 requested it. We had requested that the
19 difficulty and the erosion on Blake Brook be
20 corrected.

21 The recommendations, let's see, we can go
22 to Pemi 7. This is what we were mainly
23 concerned about, and you can see, this is a Pemi
24 7, Exhibit page 3. There's January 2016, and

1 you can see the significant runoff from the
2 right-of-way. It goes directly into Blake Brook
3 and Blake Brook is very close to the river at
4 this point. So we were concerned about that.

5 So we had brought that January '16, that
6 was the original picture that you all saw. A
7 year later, is the picture on the bottom,
8 Jeanne, second picture. There we go. Same site
9 one year later, January 2017. And the cut is
10 still there, although that was not a rain
11 situation.

12 Now, Mr. Nelson did his work the summer of
13 June 2016 to September 2016, and that was the
14 summer of the drought. So when we look at this
15 area and his results, we're looking at drought
16 conditions rather than what we were concerned
17 about with stormwater runoff.

18 His, many of his recommendations seem
19 appropriate. We're going to, of course, use
20 this, pass it on, use it in our PRLAC review of
21 this area, but every one of his recommendations
22 has qualifiers. You know, if possible, don't
23 cut a mature tree, things like that. So we're
24 left wondering what will be adopted as true Best

1 Management Practices.

2 We agree, we both agree that the site at
3 Blake Brook required extreme care, but we have
4 seen any construction BMPs for this site at this
5 time.

6 I think the other fact is that PRLAC was
7 not, we live about a mile and a half from the
8 site, and it was an opportunity for us to meet
9 this engineer, talk with him, do some
10 collaborative work, and the Applicant or the
11 field person decided not to contact PRLAC.

12 So the, we do have the next picture which
13 happened in October. This is the same place.
14 This is the big storm we had the end of October
15 2017, and the damage is still there and the
16 water is still running into the Pemigewasset.
17 Okay. Thank you.

18 Now, the second information is something
19 that we were, that PRLAC was involved with
20 through some work with Ashland Conservation
21 Commission and also with the Ashland Selectmen.
22 So what happened is that Nobis Engineering was
23 contracted to work with the Ashland Water &
24 Sewer design, and this was new to us. This

1 exhibit is a, there's an exhibit on Nobis, Nobis
2 is actually Joint Muni 201. That is not an
3 exhibit of ours, and PRLAC has only seen the
4 draft. We have not seen the final one that just
5 came out.

6 And we used, we were interested in, we're
7 very interested in Ashland as being one of the
8 areas of the river that's highly susceptible to
9 construction difficulties, we think. We're
10 concerned about the quality of water, we're
11 concerned about toxic materials that may be
12 stored, that may be in the debris there. And
13 Nobis, as you can see, we had a meeting, PRLAC
14 brought, invited Ashland Water & Sewer, and two
15 of the Nobis engineers to a meeting.

16 Q As you're discussing that meeting, you're
17 showing us Pemi Exhibit 34?

18 A Yes. 34.

19 Q Which are minutes of that meeting; is that
20 correct?

21 A (G. Draper) These are minutes of the area and
22 it's one area that says Ashland Treatment Pools.
23 I did highlight down at the bottom that we
24 shared concerns, especially looking at possible

1 damage from heavy equipment and a spill in the
2 wellhead area.

3 We have not been involved with this group
4 since this time. We have, of course, brought
5 our concerns here to the Construction Panel.
6 We're concerned about nitrates in the water,
7 what is coming from the 50,000 gallons of
8 seepage. So there's a great many concerns
9 there.

10 What this, what Nobis was very clear to us
11 is that they were, they were not asked to do
12 anything about the river. So they didn't look
13 at impacts to the river or things like tree
14 cutting or whatever. They were very much water
15 and sewer contracted.

16 Okay. Now, and then the last thing I would
17 like to do is to, it's almost like housekeeping
18 kinds of things. We have new information that's
19 come through. Information updates. So, for
20 example, Pemi 26, Pemi 27. New Hampshire DES
21 has put out an updated fact sheet on River
22 Management Program. And one on Protective
23 Measures. We'd like to add those as exhibits as
24 part of the background information on what we do

1 as a River Advisory Council. There were very
2 few changes. We saw there's some about
3 shoreland protection, but since this has been
4 updated since our last testimony, we thought it
5 was important to put in.

6 The next one which is going to be Pemi 24,
7 this is a review of the watershed because when
8 we do the water quality testing, we're looking
9 at the Pemi River watershed data and so I just
10 want to, we wanted to give you an idea of the
11 entire watershed. This is what we're looking
12 at. We're looking at, when we test water
13 quality in the Pemigewasset River, we're
14 looking at the impact from the whole watershed
15 that comes down into the river.

16 And the next one, Mr. Stamp, this is the
17 some of the latest data, 2017 data on water
18 quality. It's taken at the Mooney-Clark landing
19 in Bristol, and I believe that the Site
20 Evaluation Committee went right by it. It's
21 when you go over the big bridge from New Hampton
22 into Bristol on Route 104. Mr. Stamp who is our
23 expert here is going to just run through what
24 the local River Advisory Committees do in their

1 water testing.

2 A (Stamp) We just got this. This is 2017
3 information. We have two teams operating, north
4 and south. We visit every other week nine
5 sites, river and tributaries, and just to run
6 across the top of the page which is in front of
7 you, I think, what we look at is dissolved
8 oxygen, two categories are milligrams per liter
9 and percent saturation. pH is another
10 constituent of our testing. As you can see
11 that's all in blue. That means it's not meeting
12 New Hampshire pH standards which are 6 and a
13 half to 8. The river runs fairly acidic as is
14 the case of most surface water, I think, in New
15 Hampshire.

16 Turbidity is another category that we look
17 at. Specific conductance. That's the ability
18 of the water to conduct an electric charge which
19 kind of measures the amount of stuff that is
20 resident in the column. Water temperature.

21 And then three times a year we get into
22 what we call bottle testing. These are samples
23 that we take to the lab in Concord. Chloride,
24 E. coli. Just scan down that quickly, you can

1 see we had a little spike on the 8th of August,
2 2017, and we look forward to come back again.
3 If it doesn't, we kind of move along. Other
4 constituents that we look at, phosphorous,
5 nitrogen, nitrates and total nitrogen.

6 This information goes to Environmental
7 Services, goes into their database. Every
8 couple of years that same information would move
9 on to the EPA as part of, I guess it's called
10 surface water health of New Hampshire.

11 A (G. Draper) Thank you. Our next, what happens
12 from here is one of our next concerns off of
13 PRLAC is of what's happening in the river in the
14 future, and since April we've had two major
15 weather events and flooding up our way, one in
16 July and, of course, the one in October. So
17 we're looking at, this article pretty much tells
18 what happened, "terrorizes holiday campers," I'm
19 not sure about that, but that's what they said.
20 And the last exhibit that I'd like to put in as
21 Pemi -- this is Pemi 30.

22 But Pemi 29, this is just an example of the
23 websites that we follow. Here's, this is a
24 government website, NOAA, and they come out

1 quarterly with looking at data that just talks
2 about the year-in-general things that they're
3 concerned about that then will come down to us
4 at the river.

5 And so there is pretty much the end of our
6 new information that we would add, and we're
7 ready for questions.

8 MR. IACOPINO: Ready for cross-examination.

9 PRESIDING OFFICER HONIGBERG: Mr. Aslin is
10 going to be doing the questioning for Counsel
11 for the Public. Off the record.

12 (Discussion off the record)

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

14 **CROSS-EXAMINATION**

15 **BY MR. ASLIN:**

16 Q Good afternoon. My name is Chris Aslin. As you
17 know, I'm designated as Counsel for the Public
18 in these proceedings.

19 I'm going to start with Mr. Stamp. Just a
20 few clarifying questions from your testimony.
21 You indicate in your testimony that you feel
22 that the, sorry, the Base Case Aerial
23 Photographs should be done in all the wetland
24 areas; is that correct?

1 A (Stamp) Yes. That's correct.

2 Q And part of your testimony is that there's a
3 different scale for those aerial photographs
4 than for the mapping that's provided here, and I
5 presume, if I understand correctly, is that your
6 position is that the aerial photography would
7 give greater detail about the existing
8 conditions; is that fair?

9 A (Stamp) I'm not sure. I'm not sure I'm in that
10 place.

11 Q Okay. Why do you feel that it's important to
12 have more information than what's already
13 provided in the mapping that's in the
14 Application to show the existing conditions and
15 wetlands areas?

16 A (Stamp) I guess I'm comfortable with the idea
17 that it would be helpful to have a before and
18 after of certainly key wetlands just as a
19 followup on, you know, assuming this Project
20 goes forward, as a followup on is everything
21 being done that's being promised in terms of
22 Best Management Practices and all the other
23 elements that are important. I'm not sure how
24 you know where you were and where you are now

1 and have evidence to talk about issues that
2 might appear based on before and after.

3 Q Okay. So your interest is in having an ability
4 to look at where things were before so they can
5 either be restored or be shown to have not been
6 impacted after the fact?

7 A (Stamp) Yes. That could be a helpful document
8 to get an idea of how progress was or was not
9 made. Yes.

10 Q Okay. And is aerial photography the preferred
11 method to have that base information?

12 A (Stamp) You know, I guess I'm not in a position
13 to determine which is better and which is -- I'm
14 quite comfortable with the, basically, the maps
15 that we were using early on as opposed to some
16 of the new stuff that's come along.

17 Q But if I understand, your main point is there
18 should be something to compare conditions to
19 later on.

20 A (Stamp) Correct.

21 Q Okay. Thank you. In your testimony you've
22 included some photographs. Specifically, I
23 think, page 5 and why don't we pull that up,
24 Sandie. It's Pemi 2, page 5.

1 I just wanted to ask you if you could
2 identify what locations were being shown in
3 those photographs. They don't have labels.

4 So on page 5 of your Direct Testimony,
5 Mr. Stamp, there are these two photographs. Can
6 you identify the location of those photographs?

7 A (Stamp) The top one is a crossover, New Hampton
8 into Bridgewater. And the bottom one is a
9 crossover from, that would be going from Ashland
10 to Bridgewater.

11 Q Okay. And in both cases are we looking at the
12 first town that you indicate is on the top is
13 that a view of the New Hampton side of the
14 river?

15 A (Stamp) The one on top is the view is New
16 Hampton side of the river. Yes.

17 Q And then on the bottom it's a view of the
18 Ashland side of the river?

19 A (Stamp) Correct. I've got that right, right?
20 Yes. We agree.

21 Q That's always good.

22 You also indicate in your testimony that
23 there should be, I think it's more or less a
24 condition that you're proposing. You state on

1 page 6 that both the SEC and New Hampshire DES
2 should specify that right-of-way mowing is not
3 allowed within 100 feet of the river/tributary,
4 and that vegetation with the right root
5 structure should be specified.

6 First of all, have you discussed that
7 recommendation with the Applicant?

8 A (Stamp) Yes. We talked about this with the
9 construction group. The Construction Panel, Mr.
10 Bowes and company, came up then. And with the
11 Applicant, I think yes. We've had, I think, a
12 conversation with Mr. McCune, is it?

13 A (G. Draper) Um-hum.

14 Q Through those discussions --

15 A (Stamp) At one point.

16 Q Go ahead.

17 A (Stamp) Nothing, basically nothing really came
18 out of that.

19 Q So at this point you've had some discussion, but
20 you haven't reached any sort of resolution with
21 the Applicant on an agreement about any sort of
22 buffer?

23 A (Stamp) Yes. This was in the form of a "let's
24 put something out there and start talking about

1 it." The fact is that the pictures you just
2 looked at do not meet any of the requirements of
3 the stormwater, the water quality standards of
4 SWOPA, RSA 483-b. A private citizen or a
5 private developer would not be allowed to get
6 away with this kind of a situation. I believe
7 they would be required, and I would hope DES
8 would require it that they correct this, but
9 that is not the case as we understand it today.

10 For some reason, Eversource gets a --
11 they're exempt from meeting the standards in the
12 Shoreland Law. And we don't understand why that
13 should be allowed, and so yes, we want to become
14 a force in making this change. Getting
15 something done about destabilized banks along
16 the Pemi.

17 Q Okay. If I understand your proposal would be
18 that there be some vegetation either planted or
19 permitted to grow but not so high that it would
20 interfere with the power lines?

21 A Yes. Ideally, we'd love those towers to be
22 farther back, and there would be a buffer
23 between the tower and the river with trees, but
24 we understand high trees are out. We get that.

1 The idea would be certainly more than shrubs,
2 short trees, et cetera, et cetera, but there
3 would be a buffer and nobody would be allowed to
4 mow as they do today all the way to the edge of
5 the river.

6 Q Okay. Thank you.

7 You also indicate in your testimony that
8 you had requested copies of PSNH's annual
9 inspection reports for a few years, and that
10 they hadn't been provided. Since you filed this
11 testimony, have you had any further discussion
12 with the Applicant and has anything been
13 provided to you?

14 A (Stamp) Well, this became a Motion to Compel.
15 We went back a couple of times to get a response
16 to our concerns on this issue, and we were given
17 an explanation of how they manage their
18 right-of-ways. Would I be permitted to read
19 that?

20 Q I suppose if you have it there.

21 A (Stamp) I do.

22 Q And it's responsive.

23 A (Stamp) "Northern Pass will utilize qualified
24 line workers for the annual visual inspections

1 of transmission lines and associated
2 right-of-ways as is the case for inspections of
3 all other Eversource lines today." In other
4 words, this is the way they do it.

5 "Qualified arborists will make periodic
6 inspections to assess the vegetation growth and
7 overall condition of the right-of-ways. Annual
8 aerial inspections of the right-of-ways and
9 associated transmission lines will be conducted
10 by supervision to review vegetation management,
11 transmissions line integrity and safety issues
12 from encroachments within the right-of-way."

13 In other words, they're out annually.
14 They're going through the right-of-ways.
15 They're assessing what their situation is.
16 Despite that, the picture you just looked at is,
17 unfortunately, the result of whatever this
18 program is. So yes, we said show us the reports
19 that must come out of these inspections. We'd
20 like to see them. We were not ever able to get
21 our hands on those. I'm not sure they exist.

22 Q Okay. Thank you. In your Supplemental
23 Testimony, you discuss your concerns with the
24 conditions imposed by DES and express a concern

1 with the lack of specificity in those
2 conditions. Is that a fair statement?

3 A (Stamp) Yes.

4 Q Do you have alternative language or specific
5 recommendations on how the Committee might
6 improve those conditions? Or is it just a
7 general complaint that the existing ones are
8 not --

9 A (Stamp) It's fairly general. You know, it's a
10 lot of Best Management Practices responses to
11 questions. I think when you -- I'll try and get
12 specific. I think the right-of-way through
13 Ashland, as Gretchen has already indicated, is a
14 major concern. That's an accident waiting to
15 happen long-term. And I'm not an engineer. I
16 admit that. But there are too many things going
17 on in that right-of-way in too tight an area and
18 you're too close to the river and you're
19 knocking down a lot of trees in there. 98,000
20 square feet of trees to be taken down.

21 The floodplain encroaches on the
22 right-of-way. It also, the right-of-way
23 encroaches on the Shoreland Protection Act.
24 There's the buffer area and the 150-foot

1 stay-out-of-here area. The right-of-way kind of
2 barrels right through those. I was disappointed
3 the DES didn't make all of that in total more of
4 a situation to be dealt with.

5 A (B. Draper) And currently the right-of-way is
6 right over their main aquifer, their drinking
7 water, and I don't think there's any stipulation
8 on that with the DES either.

9 Q Is your concern that there shouldn't be any more
10 development here or that there should be better
11 erosion controls and other practices imposed?

12 A (Stamp) I would hope that somebody would have
13 worked very hard to find an alternative route
14 around this particular situation. And there was
15 one. There was another way to go, and it
16 wouldn't have required two crossings of the
17 river, two crossings of I-93. It wouldn't have
18 required at least in a very sensitive area the
19 I-93 gateway, we like to call it. It's going to
20 have to now accommodate about 50 structures in
21 areas not too far from the highway. Quite
22 visible in several places.

23 Q Thank you very much, Mr. Stamp.

24 Mr. Draper, a few questions for you as

1 well. Your testimony echoes some of these
2 concerns regarding erosion. Particularly, the
3 Ashland area. And I'll follow up on what
4 Mr. Stamp was saying.

5 Do you have specific proposals for
6 additional erosion controls that should be
7 implemented?

8 A (G. Draper) Would you speak up, Mr. Aslin?

9 Q I'm sorry.

10 A (G. Draper) I'm having trouble hearing you.
11 Thank you very much.

12 Q I'll reposition the mike. Is that better?

13 A (G. Draper) Okay. And would you repeat the
14 question, please?

15 Q I will, and I was directing them to Mr. Draper,
16 but, of course, you're welcome to answer.

17 A (G. Draper) No wonder I couldn't hear it.

18 A (B. Draper) I couldn't hear you either because I
19 was waiting to hear her answer.

20 Q Fair enough. I'll try again.

21 A (B. Draper) Thank you.

22 Q Mr. Draper, your testimony reflects similar
23 concerns as Mr. Stamp regarding erosion and
24 other impacts. Particularly, in the Ashland

1 area. And my question is do you have specific
2 suggestions or proposals for additional erosion
3 controls that you think would address that
4 concern?

5 A (B. Draper) Well, one, I mean, we've walked this
6 property a couple times at least and one of the
7 problems is that it is so close to the river to,
8 the existing situation is just barely stable and
9 it's basically held in place by trees. And if
10 they cut down more trees, I'm afraid that
11 stabilization will be gone. This is in Ashland.
12 I truly don't see how -- the cards are all
13 stacked on that one location for a disaster to
14 happen just if they don't do a thing there. And
15 I can't understand how moving this huge Project
16 through there with their drinking water, their
17 septic system, with not really, people aren't
18 really sure what's on the bottom of those
19 lagoons, and they already have current seepage
20 going into the river. It's a bad situation now.
21 And I just don't know, I have no real suggestion
22 except for it should be going in a different
23 direction. It shouldn't be going over this
24 particular area.

1 Q Okay. Thank you. I wanted to ask you,
2 Mr. Draper, also, if you could identify the
3 photos that you included in your testimony.

4 A (B. Draper) Certainly.

5 Q I know it's Pemi 3. Is that the right one?

6 A (B. Draper) Do you want me to go right at the --
7 my first photo is actually on page 6. Is that
8 where you would like me to start?

9 Q No. I'm thinking of your photo that's on page 3
10 of your Direct Testimony.

11 A (G. Draper) Just for the record, we also have
12 these photos in our exhibit as full photos.
13 They're under Pemi 21, and there's, we have a
14 whole subset of photography so that people can
15 look at them at a higher resolution.

16 Q So actually the?

17 A (B. Draper) So actually the top photo on page 3
18 is on the New Hampton side looking across to
19 Hill. And this is actually what is, what's
20 difficult in many of these situations is you
21 have the river going down, it's flowing
22 downhill, down the river, you're going down the
23 river, and the Project is also paralleling this.
24 So we're in the, the Pemi which is a main

1 watershed. Every tributary coming into the
2 river has to go underneath, frequently, if it's
3 on that side of the river, go underneath the
4 power line. And so there's, the terrain is
5 terrible. I mean, I don't know how they built
6 the first transmission lines. It's just up and
7 down all over the place.

8 So the probability of having stormwater
9 erosion taking place is pretty high odds because
10 these streams, because the right-of-way is
11 paralleling right next to the river, those
12 streams are going right under the existing
13 right-of-way, and every time it goes under the
14 right-of-way, there's flowage going into those
15 streams which will go right into the Pemi which
16 causes the sedimentation and that's -- so I
17 should go with these pictures.

18 PRESIDING OFFICER HONIGBERG: Mr. Aslin,
19 all you want is identification where the picture
20 is, right?

21 MR. ASLIN: Yes, Mr. Chairman.

22 A (B. Draper) I get carried away with my photos.
23 I love being there.

24 Okay. So the photo on the bottom is that

1 same way that Mr. Stamp described looking from
2 the Bridgewater side into New Hampton. Page 4
3 is, that's Blake Brook again flowing into,
4 that's stormwater running, water running into
5 Blake Brook. The bottom of page 4 is, this is
6 one of those streams that we're actually, I've
7 turned my back. The river is at my back. And
8 I'm looking, if I was looking across, it's a
9 hard way to describe it. That top picture on
10 page 3 is when I took this picture I turned
11 completely around 180 degrees. I'm looking down
12 that embankment of that right-of-way, and that's
13 going into this little brook that flows into the
14 river, and I believe -- I'm standing in New
15 Hampton when I took this picture and Hill is at
16 my back.

17 Q Okay. So this is the picture on the bottom of
18 page 4 that you're talking about?

19 A (B. Draper) Yes. Correct.

20 Q Okay.

21 A (B. Draper) And I know everybody's hoping there
22 aren't any more pictures. Is there any other
23 one that you want me to look at? Page 6?

24 Q Page 6. On page 6, there's one more.

1 A (B. Draper) Page 6 is actually, I'm in New
2 Hampton. This is that favorite place for
3 kayakers. And if you look up on the hill that's
4 the right-of-way that you can't see the towers
5 because they're all less than 40 feet. And that
6 is the cut of the right-of-way, but that's
7 looking down so I'm looking south on the Pemi.

8 And then do you have the Prefiled Appendix?

9 Q Those have labels so I don't think you need to
10 do those.

11 A (B. Draper) Good. All right.

12 Q I did want to ask, there was a photo that you
13 showed earlier today in your additional
14 statement which I believe you said was from
15 October of this year and was it Blake Brook?

16 A (B. Draper) Yes.

17 Q Is that marked as an exhibit?

18 A (G. Draper) Yes, it will be.

19 Q It will be?

20 A (G. Draper) I think it may be in there. It's a
21 "will be." So the number will be, it will be
22 Pemi 21-13.

23 Q Okay. Thank you. Mr. Draper, you indicated on
24 this page, page 6, that the "National Whitewater

1 club will change their review," and that's
2 indicated at the top of the photo there. I'm
3 not sure what you meant by that. What review
4 does the National Whitewater --

5 A (B. Draper) What was interesting is I love
6 hanging out at the river. I kayak an awful lot
7 and walk. I was actually down here, and I said
8 to the people who were kayaking, they were
9 actually having a meet between, it was two
10 schools. New Hampton Prep -- anyways. So what
11 was I -- I was supposed to be telling you why
12 it's called the -- the kayakers said that the
13 main reason they loved kayaking here is because
14 it looks so wild. And the only reason, the only
15 manmade objects they see is when they turn
16 around and look. If you look north you see the
17 bridge that goes, it's Old Bristol Road. But
18 there's, it's really quite a lot of wilderness
19 from here all the way down to Sanbornton.
20 There's no development on the sides of this
21 river.

22 Q Okay. So does the whitewater club have some
23 formal designation or review that they perform
24 or is it just --

1 A (B. Draper) They have a periodical that comes
2 out and they directed me to it. Did I list
3 where it was?

4 Q I don't believe so.

5 A (B. Draper) So it was a periodical. It's the
6 Whitewater -- I can get you that information
7 where it -- it's on their website.

8 Q Okay.

9 A (B. Draper) And they said that that was their,
10 they said you should see what we say about the
11 Pemi, and this was off of that.

12 Q I see. So they have a favorable review of the
13 Pemi currently, and your testimony is that that
14 will change if the Project is constructed?

15 A (B. Draper) They actually said that they come
16 for the wilderness, and I thought wow.

17 Q Okay. Thank you. Mrs. Draper, I'll turn to you
18 now.

19 You include in your testimony a discussion
20 of your, in addition to your testimony on behalf
21 of the Local Advisory Committee, I wanted to say
22 Club for a second, a reference to your property
23 and that you will see this Project from your
24 residence; is that correct?

1 A (G. Draper) Yes.

2 Q And is it your position that you will have a new
3 view of the Project?

4 A (G. Draper) Yes. We live on Blake Hill Road
5 which is a town-designated scenic road. And
6 when the New Hampton Selectboard was here, they
7 showed some of the maps and siting. So right
8 now we look over the Pemi watershed into the
9 Smith River, Alexandria and Danbury and the
10 right-of-way is less than a quarter mile from
11 our house, but we don't see anything. It's a
12 nonevent. When the towers come in, we'll see at
13 least two of the large steel structures and
14 they'll be above, way above the tree line.

15 Q Okay. Thank you. In your testimony you make
16 reference to a situation that occurred, I
17 believe it's in the Blake Brook area, but in a
18 letter from Attorney Bisbee regarding a failure
19 of BMPs? Do you recall that?

20 A (G. Draper) Yes, and actually it was a letter,
21 it was part of a, I got the letter from -- it's
22 like public knowledge of the letter. That
23 happened up in the North Country. Up along
24 Route 18 or so? And what had happened there was

1 a spill in the borings.

2 Q I'm going to ask you to pause. The letter is
3 included in your testimony.

4 A (G. Draper) Yes, it is.

5 Q So we can read it.

6 A (G. Draper) But that's where it was. It was --

7 Q Up north.

8 A (G. Draper) It was in my testimony. It's Pemi
9 Exhibit 11.

10 Q Yes. And my question was is your concern with
11 this situation, with the situation that occurred
12 up north, that the BMPs themselves were
13 inadequate or that they weren't properly
14 implemented? I was unclear.

15 A (G. Draper) I think it was both, and it was so
16 early in the Project that that concerned me
17 because everybody's eyes were on the Project,
18 and it still happened.

19 Q Okay. Do you believe that at this point given
20 the past experience and DES's permit conditions
21 that have been imposed that there are sufficient
22 BMPs required?

23 A (G. Draper) Are they sufficient? No.

24 Q Okay. And then I think my last question, you

1 make a statement in your Supplemental Testimony
2 that at the time that DES issued its permit
3 conditions that it didn't have the benefit of
4 the expert opinions and testimony in this
5 proceeding based on timing. The hearing hadn't
6 happened yet.

7 Would you agree that the SEC has sufficient
8 information at this point, the benefit of all
9 the testimony, to be able to impose additional
10 conditions if they feel that that's necessary?

11 A (G. Draper) I guess I'd say I think so. What I
12 get concerned about is that we are all here
13 speaking but the people who will be on the
14 ground are going to be construction workers and,
15 you know, PAR and the other, whoever the local
16 contractors are. So there seems to always be
17 kind of a disconnect so that we all know all
18 kinds of things that have happened in this room.
19 Then they have to be communicated to people on
20 the ground. And I just get concerned that we've
21 seen evidence of that happening already. I
22 mean, it's bound to in a huge Project that's
23 proposed as this one.

24

1 Q Thank you. Thank you all. I have no further
2 questions.

3 PRESIDING OFFICER HONIGBERG: We're going
4 to take a ten-minute break.

5 (Recess taken 3:55 - 4:10 p.m.)

6 PRESIDING OFFICER HONIGBERG: All right.
7 I'm told that the Forest Society has no
8 questions so Ms. Menard?

9 **CROSS-EXAMINATION**

10 **BY MS. MENARD:**

11 Q Good afternoon. Jeanne Menard, Deerfield
12 Abutters.

13 This question is for you, Mr. Stamp, in
14 regards to page 2 of your Supplemental Testimony
15 where you respectfully disagree about some of
16 the content in the DES decision to recommend
17 approval of the Project with conditions.

18 Is it true that your Advisory Committee has
19 worked closely with the New Hampshire DES on
20 past projects?

21 A (Stamp) Yes.

22 Q Given your work experience and credibility with
23 the New Hampshire DES, have you made
24 recommendations to the DES which they deferred

1 to your organization's recommendations?

2 A (Stamp) Yes.

3 Q Thank you. And last question, anyone in the
4 Panel is welcome to answer this.

5 Heather Townsend from the Ashland to
6 Deerfield Non-Abutter group has testified that
7 herons and other birds of prey have become more
8 active in recent years along the Pemigewasset
9 River. Do you agree with her statement?

10 A (B. Draper) Totally, yes.

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

12 PRESIDING OFFICER HONIGBERG: Are there any
13 other Intervenor groups that have questions for
14 the Panel?

15 Mr. Bisbee?

16 MR. BISBEE: Thank you, Mr. Chairman.

17 **CROSS-EXAMINATION**

18 **BY MR. BISBEE:**

19 Q Good afternoon. Mr. and Mrs. Draper, Mr. Stamp.

20 A (Panel) Good afternoon.

21 Q I just have a few questions for you.

22 You've been at this a while.

23 A (G. Draper) We have.

24 A (B. Draper) I've gotten gray.

1 Q How long have you been aware of Northern Pass?

2 A (B. Draper) Seven years for me.

3 A (G. Draper) Seven years for me.

4 A (Stamp) Mid 2015 probably.

5 A (B. Draper) I was 64.

6 Q You have devoted a lot of time and effort in
7 this proceeding, we know, firsthand. You've
8 spent a lot of time in your PRLAC work over the
9 years as well. Are you all founding members of
10 the Committee?

11 A (B. Draper) No.

12 A (G. Draper) No.

13 A (Stamp) I'm probably closest.

14 Q And Mr. Stamp, you're still the Chair?

15 A (Stamp) No. Fortunately, our new Chairman is
16 back there at the third or fourth table. Since
17 May, I'm out.

18 Q If I were to ask questions on your Management
19 Plan, to whom should I address them?

20 A (Stamp) Probably all three of us.

21 Q All right. But I'll ask questions of the Panel
22 and you decide among yourselves who ought to
23 answer them.

24 A (Stamp) Okay.

1 Q But I understand, Mrs. Draper, that you are the
2 one, you are lead author of the 2013 update?

3 A (G. Draper) Oh, no. No, I was not the lead
4 author. I was the editor and I contributed.
5 But the lead author really, they come down to a
6 Committee including Lakes Region Planning
7 Commission. Dave Jeffers was sort of the lead
8 author, but that's the first time I was really
9 called in to do some work with PRLAC.

10 A (B. Draper) We paid her well.

11 Q So your Exhibit number 1, Pemi 1, is the 2013
12 update.

13 A (G. Draper) Right.

14 Q Of the Pemigewasset River Corridor Management
15 Plan, correct?

16 A (B. Draper) Yes.

17 Q When was the first one prepared?

18 A (Stamp) 2002.

19 Q And over what period of time, Mr. Stamp, was the
20 2013 update prepared?

21 A (Stamp) It took a year.

22 Q Was it, so you started in 2012, not 2011?

23 A (Stamp) Yes.

24 Q So it was only a year that you worked on it.

1 A (Stamp) It might have been even longer. That's
2 getting a little vague, but, yeah, we had
3 established the date we needed to get something
4 out kind of on the ten-year mark so we started a
5 year, year and a half in advance. Committee
6 kind of set up, working Committee, Subcommittee,
7 but Lakes Region Planning Commission who, by the
8 way, works with us on an ongoing basis, they
9 kind of handled the mechanics of a lot of it.

10 Q Mr. Stamp, is it fair to say that you developed
11 this Management Plan pursuant to a state law
12 under the Rivers Management and Protection Act?

13 A (Stamp) It's fair to say. Yes.

14 Q And it's RSA 4310. Does that sound familiar?

15 A (Stamp) I don't know which one it is, but it's
16 basically if you want to be a designated river,
17 you have to take on the obligation to create a
18 plan, and you have to work with the towns for
19 which your plan is built around to put that
20 together.

21 Q I put up on the screen, or Dawn did, the statute
22 that I believe is the one that you would have
23 followed in developing the plan. Do you see it
24 in front of you?

1 A (G. Draper) Yes.

2 A (Stamp) Yes.

3 Q That's RSA 4310. River Corridor Management
4 Plans. So that's the statute that you would
5 have followed in developing yours.

6 A (G. Draper) Um-hum.

7 Q Let's just take a minute and look at it, first
8 of all. Section I, the second line near the
9 end, the legislature has said that it is
10 encouraged that local advisory committees
11 develop these plans. And PRLAC has chosen to do
12 one. It wasn't something you were obligated to
13 do, correct?

14 A (Stamp) Correct.

15 Q And once you chose to do it, however, Section II
16 of this law prescribes what it is you must
17 include in those plans.

18 A (G. Draper) Um-hum.

19 Q It's not limited to these items, but there's a
20 list of A to K of things that you need to
21 include in your Management Plan, and I think
22 you've done that. But just looking at a few of
23 them. Section B requires that you address
24 permitted nonrecreational uses. Section C

1 requires that you address existing land uses.
2 Section D deals with protection of a bunch of
3 natural resources including wetlands, wildlife
4 and fish habitat. Section H addresses the need
5 to include dredging and filling information in
6 your plan. Section K deals with fluvial
7 geomorphology. Which of you can tell us what
8 that is?

9 A (B. Draper) Max is a certified hydrologist.

10 Q Is that basically, Mr. Stamp, is that river flow
11 and the impacts of the physical change to the
12 river, roughly speaking?

13 A (Stamp) Repeat that question.

14 Q Well, yeah. My lay understanding is that it
15 deals with the physical flow of the river as
16 opposed to the habitat. Does that sound right
17 to you?

18 A (Stamp) Yes, it does.

19 Q And Mr. Draper, Section III near the bottom
20 here, and you're going to have to go up just a
21 bit more, Dawn.

22 That says that the Management Plans may
23 include tributary drainage areas, and you were
24 referring to that a little earlier, right?

1 A (Stamp) Yes. Correct.

2 Q So you would have looked at all of this, the
3 Lakes Region Planning Commission would have
4 helped you do this, other people you worked with
5 would have looked at all these items that you
6 included in your Management Plan. Is that fair
7 to say?

8 A (G. Draper) Um-hum.

9 A (B. Draper) Yes.

10 A (Stamp) Yes.

11 Q So Dawn, if we could pull up the Management Plan
12 that's your Exhibit Pemi 1. Let's go to the
13 Table of Contents if we could. So if you look
14 at that page, you have covered most of what the
15 statute and presumably all of what the statute
16 requires. III is the resources that you
17 address. It includes B, water resources; C,
18 plant and wildlife; E, land use; and G, river
19 corridor and watershed planning. I've stated
20 that correctly. Yes?

21 A (Stamp) Yes.

22 Q And then Section 6 is the section on
23 recommendations. And I want to point your
24 attention to Subsection C entitled "Concerns and

1 Recommendations." So that is an important part
2 of your Management Plan, correct?

3 A (Stamp) Correct.

4 Q Okay. So Dawn, if you could turn to page 9.
5 Just in the paragraph just above number 4, Dawn,
6 if you could highlight that, please.

7 I want to ask you where you've mentioned
8 Public Service Company because this was done
9 before Eversource became a corporation so I want
10 to ask you where you've addressed Public Service
11 Company in this report. And the first one that
12 I was able to find was here in this section
13 dealing with hydroelectric dams. And you see
14 the reference there in the middle of that
15 paragraph to Ayres Island and Eastman Falls
16 Dams, correct?

17 A (Stamp) Yes.

18 Q All right. And Dawn, if you could go to page
19 16, please.

20 In the first paragraph at the top of the
21 page, there's a brief mention there of picnic
22 areas at Ayres Island Dam. And then a little
23 further down, Dawn, in the Water Base
24 Recreational Resources section.

1 Towards the end of that first long
2 paragraph, Mr. Stamp, there's a reference to
3 adequate instream flows for whitewater paddling
4 being maintained, and that's in accordance with
5 PSNH's FERC license for the Ayres Island Dam.
6 Have I got that right?

7 A (Stamp) I would say yes.

8 Q All right. Then Dawn, if you turn to page 30.
9 This is on the section on Concerns and
10 Recommendations.

11 If you look at number 1, Water Quality and
12 Quantity Impacts of Development. Is there a
13 reference to PSNH or the transmission line in
14 that section?

15 A (Stamp) I don't think so.

16 Q Dawn, if you could go to the next section on
17 Flooding and Erosion. It may go into the next
18 page. I can't remember.

19 But, Mr. Stamp, do you remember if there's
20 any reference to PSNH in the section on Flooding
21 and Erosion Concerns?

22 Dawn, if you go to the next page just to
23 see if there might be something more there.

24 A (Stamp). No. There's no reference. That's

1 obvious.

2 Q And then on this same page, Dawn, further down,
3 there is a reference to PSNH that I was able to
4 find anyway. It's in the Water Quality
5 Impairments Section, and it's in Section 3.2.
6 It's on the concern with impairments such as low
7 pH and low dissolved oxygen, and there's a
8 reference in section, well, the Recommendation,
9 Section 3.2.1, do you see that?

10 A (Stamp) Yes.

11 Q And what does that recommendation say?

12 A (Stamp) Consult with PSNH about dissolved oxygen
13 associated with impoundment.

14 Q Do you know if this Management Plan addresses
15 any issue relating to PSNH or the existing
16 transmission line other than what we've seen in
17 going through it just now?

18 A (Stamp) No. We have talked to, and I won't be
19 able to think of his name right now, the person
20 at Ayres Island Dam, about dissolved oxygen in
21 the impoundment area. We do not test there. So
22 we are, and we intend to go out and do some
23 testing there because it is listed as an
24 impairment. Impaired water.

1 Q Right.

2 A (Stamp) On the State report. And it's just, we,
3 you know, you have to get there by kayak or
4 canoe or whatever. We mostly work off bridges.
5 But that's on our list. We just haven't gotten
6 there.

7 Q Does the dissolved oxygen issue have anything to
8 do with the existing transmission corridor?

9 A (Stamp) No. It has to do with the impoundment
10 behind the dam.

11 Q Right. And just to close the loop on this, this
12 report was developed in 2013. You were well
13 aware of Northern Pass at that time. But
14 there's no mention of Northern Pass in this
15 Management Plan either, correct?

16 A (Stamp) You know, I have to admit, I'm not sure
17 in 2013 how aware I was. For sure. It was not
18 a serious topic before the group at that time.

19 Q Mr. Draper, I think all of you actually said it
20 was 7 years or so that you've been involved. So
21 it is true that PRLAC or at least some members
22 of PRLAC were aware at the time.

23 A (Stamp) That may be true. Yes.

24 Q And it may not have been you, Mr. Stamp, and

1 Mr. Draper, I recall seeing a comment from you
2 to the DOE as far back as 2011 as well. That
3 sounds right?

4 A (B. Draper) Yes.

5 Q Okay. You would agree, Mr. and Mrs. Draper,
6 that the Management Plan developed in 2013 does
7 not mention the PSNH transmission corridor or
8 Northern Pass, correct?

9 A (G. Draper) I would say that not in so much as
10 in the very end we have our Pemigewasset River
11 Corridor Management Plan Implementation Matrix.
12 I think it's in the very back of the manual.
13 Last pages. And this is what we were working
14 off right now. And to me, it talks about
15 everyone on the river. So it's implicit that
16 your utilities, your businesses, marinas, we
17 take the river as a big, a big picture. And
18 we're in the Pemigewasset area, but that's a
19 long, when you look at the river it goes from
20 Franconia all the way down.

21 Q Understood. And Dawn, if you could turn to that
22 back end of the report, page 65 of their report.
23 Just to close the loop on this.

24 It looks to me Mrs. Draper, Section 3 on

1 that page, this is in your, the Implementation
2 Matrix, right?

3 A (G. Draper) Right. Yes.

4 Q It looks to me like you've kind of captured
5 what's in the body of the report in this table?

6 A (G. Draper) Yes. That was the purpose, that we
7 work off of this, yes.

8 Q So the Section 3.21 is to consult with PSNH
9 about the dissolved oxygen issue that we had
10 talked about before.

11 A (G. Draper) Yes.

12 Q Just one other area that I want to ask you
13 about, and that's the DES decision. I'm not
14 going to go through it with you.

15 A (B. Draper) We could.

16 Q You would agree with me, however, that there are
17 a lot of conditions in that March 1, 2017,
18 decision.

19 A (G. Draper) Definitely.

20 A (Stamp) Yes.

21 Q And one set of conditions relates to an issue
22 that I think all three of you, at least the two
23 gentleman on the Panel addressed, maybe you,
24 too, Ms. Draper, and that's about the monitoring

1 question. Just making sure that DES, the
2 Applicant, everyone involved does its job
3 correctly.

4 You would agree with me that there are
5 several, if not many, conditions among all of
6 the DES conditions that relate to that issue.

7 A (Stamp) It's certainly, it's in there. I think
8 the part of it that we would have a little
9 trouble with is who appoints the Monitors and
10 who do they report to and the whole reporting
11 relationship element. That part of it.

12 Q Right.

13 A (Stamp) We have some ideas on that probably
14 differ with yours.

15 A (B. Draper) I have another problem with the
16 Monitors though. It's, the problem seems to be,
17 I feel, is it's assessing problems. And to me,
18 you need to know how something looks and how it
19 is in the beginning before you can say if things
20 have gotten worse. And we seem to be putting
21 that onto the Monitors who go and look at the
22 situation. I don't know if they're going to
23 take pictures. I don't know how it's going to
24 be. But Monitors have to really be -- my

1 concern is organisms and stormwater runoff and I
2 just can't see how, I think there was one
3 mention of six Monitors for this whole Project,
4 and I can't see how that can -- so I disagree,
5 with, yeah, I shouldn't go on, but I disagree
6 with the DES solving the problem.

7 Q And it's true that you have raised these
8 concerns with DES, and, Mr. Stamp, I'm going to
9 turn to you because you're the author of an
10 email that I want to show you here in a minute,
11 but you have addressed this concern with DES.
12 Am I correct in saying that?

13 A (Stamp) Yes. I'm not sure how far I've gotten
14 with that but yes.

15 Q Okay. So Dawn, if you would pull up Pemi 5. I
16 think that's the right exhibit number. Yeah.
17 That is your document, Pemi 5, that is your
18 Response to Data Requests from Counsel for the
19 Public and the Applicants.

20 A (G. Draper) Right.

21 A (Stamp) We haven't gotten it yet.

22 A (G. Draper) But that's it.

23 (Discussion off the record)

24 Q We can do this on ELMO, Dawn, if you haven't got

1 it right there. No, it doesn't appear to be on
2 that list. So if you could assist on the ELMO.

3 So, Mr. Stamp, I want to ask you about an
4 email that you sent to Rene Pelletier at DES.
5 It's on, it's from November 1st, 2016. So just
6 starting with the first page, Dawn.

7 Do you recognize that email, Mr. Stamp?

8 A (Stamp) Yes.

9 Q Do you want to look at both pages so you can see
10 them both? I don't have much to ask you about
11 it, but I want to have you get the benefit of
12 seeing it entirely.

13 So it's fair to say that your email to
14 Mr. Pelletier, and he runs the land management
15 program at DES?

16 A (Stamp) Correct.

17 Q He's in charge ultimately of the wetland
18 program? He oversees the wetlands program?

19 A (Stamp) I don't know how wide a span he covers.

20 Q All right. But your overall question to him was
21 what's DES going to do about monitoring. Is
22 that a fair summary of your email?

23 A (Stamp) Fair.

24 Q Let's look at his response which is on page 2 of

1 this, of these pages. He wrote you back the
2 same day, November 1st, 2016, and, again, this
3 is on page 17 of Pemi 5.

4 A (Stamp) Okay.

5 Q My highlighting has given away what I was going
6 to focus on.

7 The second sentence, though, says that he
8 does not expect DES to be the only boots on the
9 ground, correct? And then I want to have you
10 focus just on the last sentence.

11 Rene Pelletier says that DES will need to
12 be a highly visible presence in the field.
13 Correct?

14 A (Stamp) That's what he says. Yes.

15 Q And you have reason to question that?

16 A (Stamp) Yeah. This is a letter back to me.
17 Now, I'm not sure I saw that in their approval
18 letter of March, that they specifically were
19 going to be, they were going to be in charge of
20 some phase, some portion of monitoring and
21 completely in charge. I don't think I saw that
22 in their approval letter.

23 Q Understood. The approval letter was to the
24 Applicants giving the Applicant's permission,

1 assuming SEC approval, to do the work in
2 accordance with the conditions that the
3 Applicants must follow. You're not expecting
4 that that document is going to say what it is
5 that DES is going to be doing, are you?

6 A (Stamp) I don't see why it couldn't, but --

7 Q Aside from DES not putting it in the document,
8 approving the Applications that the Applicants
9 applied for, do you really have a reason to
10 doubt that DES is going to be a highly visible
11 presence in the field during the Northern Pass
12 construction?

13 A (Stamp) I guess I'd have to give that an "I'm
14 not sure." You know, I've got Rene's statement.
15 Obviously, that means something. But let's put
16 it this way. I hear the trumpets, but I'm not
17 sure I hear the thundering hoofbeats.

18 Q Fair enough, Mr. Stamp. I'm going to leave it
19 at that. Thank you very much.

20 PRESIDING OFFICER HONIGBERG: Members of
21 Committee have questions for the Panel?

22 Mr. Wright. Why don't we start with you.

23 **QUESTIONS BY DIR. WRIGHT:**

24 Q Good afternoon folks.

1 A (G. Draper) Good afternoon.

2 Q Craig Wright, obviously, with DES, but you know
3 that, but from DES, let me thank you guys for
4 your service on PRLAC. It's a very important
5 role you serve here in the state so thank you.

6 A (G. Draper) Thank you.

7 Q Mrs. Draper, you brought up the April 17th
8 report that Eversource issued on the
9 Pemigewasset River crossings?

10 A (G. Draper) Yes.

11 Q I'm sorry. I didn't catch -- is this an exhibit
12 in this proceeding?

13 A (G. Draper) It is. It's an Applicant Exhibit.
14 Let's see.

15 Q I'm sorry. I just missed the number.

16 MR. IACOPINO: 125.

17 Q 125, did I hear?

18 A (G. Draper) Okay. Yes.

19 Q Now, that deals with all of the river crossings
20 in the Pemi for the existing right-of-way lines?
21 Or just the Blake stream that you were talking
22 about. Blake Brook.

23 A (G. Draper) Actually they looked at river
24 crossings mainly in our area. And so it's not

1 crossings -- there were four or five crossings.

2 Q Did I hear you say you felt like there was some
3 decent recommendations in there, but there just
4 hadn't been much implemented to date? Is that
5 your concerns there?

6 A (G. Draper) Yeah, well, our main concern was we
7 sent the pictures in to sort of get something
8 moving and getting it corrected. We didn't
9 really expect a big report. They actually, they
10 looked at five crossings and Blake Brook, and
11 there are some, definitely, there's, to me
12 they're sort of common sense and they're good
13 recommendations.

14 My question, of course, always is what
15 happens to the paper, how does it show up on the
16 ground. But there are things, you know, the
17 Blake Brook area in particular, he was saying,
18 he was saying that it was one of, the erosion
19 was one of the most extreme and so be very
20 careful with maintenance vehicles, minimize soil
21 disturbance.

22 So there are things that we would never say
23 no, that's not right. It's more some of the,
24 it's always that little qualifier that's on the

1 end of all of the recommendations. And I think,
2 in some places, I'd like to see an expert say
3 just do it because it's right. You know. And
4 that just doesn't happen.

5 Q Okay. Thank you on that.

6 Somebody, I think it might have been you,
7 Mr. Stamp, but anybody feel free to jump in.
8 You expressed some concern about how the
9 Shoreland Protection Act is implemented with
10 respect to utility lines. Have you had
11 discussions with DES about that and is it DES or
12 is there some limitations within the underlying
13 statute that really is the concern? Is it how
14 DES implements or is it the statute?

15 A (Stamp) Yes and yes and yes.

16 Q So there is a component to what's in the statute
17 that concerns you as well.

18 A (Stamp) Yes. I can't see where, I can't see
19 where Northern Pass is exempt from the
20 provisions of Shoreland Protection. There are
21 some possible waivers, and I also talked to
22 people in DES and said has there been a waiver
23 issued to Northern Pass regarding crossovers,
24 you know, along the river. Are they exempt from

1 the provisions of Shoreland Protection.

2 And I never got any hard answer back. What
3 I got back was there's an understanding. And so
4 this is one that's hanging there. I don't
5 think, I don't think you're meeting the
6 provisions of the law, and I don't see, I
7 haven't heard anybody say you've got a waiver.
8 So why is it the way it is? Why isn't this
9 being dealt with?

10 Q But DES did issue Shoreland conditions in the
11 March 1st that dealt with the Pemigewasset River
12 crossings, correct?

13 A (G. Draper) Um-hum.

14 Q But you still don't feel that's consistent with
15 the statute?

16 A (Stamp) Right.

17 Q Okay. Okay. Mrs. Draper, you mentioned some, I
18 think somebody asked you if the BMPs were
19 insufficient, and you unequivocally nodded your
20 head yes. I think we've beaten BMPs to death in
21 this whole process.

22 A (G. Draper) We really have.

23 Q In your mind is it the BMPs are insufficient or
24 there's not enough monitoring that goes on in

1 the field to make sure the BMPs are being
2 properly implemented?

3 A (G. Draper) My answer is both because one of the
4 things I've been concerned about, of course, is
5 what we're marching into with the changes in our
6 climate. So I look at BMPs which may have
7 worked 20 years ago and been very successful.
8 I'm wondering what happens next October when we
9 have flooding or whatever. I mean, we've
10 watched trees go down the middle of the Pemi now
11 and a Porta-Potty of all things.

12 So that's what I'm concerned about is BMPs
13 that look forward and have some real teeth to
14 them. And the thing with the monitoring that
15 I'm concerned about is DES has other jobs to do.
16 And everyone does in this state. And so
17 Northern Pass is one of those heavy hitters for
18 requiring Monitors. They're happy to provide
19 their own Monitors, but in our idea it just
20 works better to have a committee, a coalition of
21 people who are independent of the corporation as
22 well as people from the organization.

23 Q Okay. Just one last question. Mr. Bisbee went
24 down the road with you regarding your River

1 Management Plan, and the Concern section. I
2 think it was Section C. I'm not sure. He kind
3 of outlined that Northern Pass wasn't outlined
4 in any one of those particular sections, but I
5 think I know the answer to this question. I'm
6 assuming you do have concerns with respect to
7 those items you outlined in the construction and
8 operational line; is that a fair statement?

9 A (G. Draper) That's a fair statement.

10 A (B. Draper) Yes.

11 A (G. Draper) Thank you.

12 Q Thank you.

13 PRESIDING OFFICER HONIGBERG: Ms.
14 Weathersby?

15 **QUESTIONS BY MS. WEATHERSBY:**

16 Q Just one quick question following up on your
17 conversation with Mr. Wright about the Shoreland
18 Protection statute. I understand that you think
19 that Northern Pass needs to comply with that
20 statute.

21 A (Stamp) Parts of it where they can. Yes.

22 Q And there is a section of that statute that
23 allows the DES Commissioner to permit public
24 utility lines as necessary and consistent with

1 the purposes of this chapter and other state
2 laws, quoting from the statute. How is it that
3 you believe, if you can speak to this, it may be
4 a legal conclusion, but how is it that you
5 believe that they still need to comply given the
6 power of DES Commissioner?

7 A (Stamp) I would, I guess my interpretation of
8 the way the law reads is you would have to
9 issue, you would have to issue a waiver. It
10 would be something that he does saying you are
11 exempt from the law for this Project or for this
12 area or something like that. And what, I'm
13 repeating, but I don't see where or haven't
14 heard of that being done. Therefore, no waiver,
15 why are you not taking care of the shoreland
16 just like everybody else has to because really
17 you are able to. If you want to.

18 Q Okay. Thank you.

19 PRESIDING OFFICER HONIGBERG: Anything else
20 from the Committee? All right.

21 In light of the questions you've been asked
22 today by any of the folks out there or members
23 of the Committee, is there any answer you want
24 to follow up on or provide any clarification?

1 A (G. Draper) I have one, and it very much has to
2 do with Mr. Bisbee's concern about not including
3 PSNH in the Management Plan, and I've been
4 thinking about that as we've been sitting here
5 and thinking the Management Plan isn't designed
6 to be that specific, I think.

7 I mean, this is a big political thing. At
8 that point everybody was talking about
9 everything. Didn't seem appropriate to put it
10 into a Management Plan. Rather we would put in
11 what, like we did, you know, the general
12 concerns, and we would deal with them as I said
13 before, with utility companies, with golf
14 courses, with whomever. Thank you.

15 PRESIDING OFFICER HONIGBERG: Anything
16 else?

17 A (B. Draper) I have something else. I think it's
18 the time.

19 A (G. Draper) You know, it's a last, the last
20 people, the last day of testimony so we thought
21 we need to do something to bring a little light.

22 A (B. Draper) And don't give me that look.

23 PRESIDING OFFICER HONIGBERG: That look
24 says, "This better be good."

1 A (G. Draper) It's the solstice. We're bringing
2 in some light.

3 A (B. Draper) ISO New England. Right? We know
4 all about that. Can you hear me if I talk
5 without the microphone?

6 COURT REPORTER: No.

7 PRESIDING OFFICER HONIGBERG: Before you
8 start, before you start, what is the ten-second
9 explanation of what it is you're about to do?

10 A (B. Draper) It has to do with fragmentation, but
11 it's a fragmentation that has been talked about
12 subtly, but it's fragmentation of organisms that
13 nobody has looked at.

14 PRESIDING OFFICER HONIGBERG: All right.
15 Go ahead.

16 A (B. Draper) Thank you. It isn't yogurt. So
17 these are isopods. I don't know if anybody
18 knows isopods. Iso means "same legs" because
19 it's iso. They all look the same. Let's see if
20 we can get them up. Did you say bugs? Somebody
21 said bugs. These organisms are actually land
22 crustaceans that actually breathe through their
23 pleopods on the tails. --

24 What's unusual about these is these are

1 foods for snakes, birds, and amphibians.
2 Amphibians are favorites, remember? So these
3 organisms actually need to have moisture in
4 order to survive. They actually will dry up if
5 they do not get -- can we zoom? I'm used to a
6 microscope. There we go.

7 So the tail end of these guys, they have
8 these funny little things called pleopods.
9 They're right back -- can you see them? No, you
10 can't see them. They're right there on the
11 tail. Those pleopods are what they use for
12 breathing, and they also, because they need the
13 water so carefully, it's very important for them
14 to preserve it. They actually release ammonium
15 into the air. They don't use urine.

16 So what is so amazing about these organisms
17 is because they don't use urine, because they
18 can maintain this liquid, this water, they also
19 eat things that are incredible. They will eat
20 toxins. They eat heavy metals which is bizarre.

21 These, if you added all the weight of these
22 up, they would probably just about equal the
23 amount of human weight on the planet. There's
24 20,000 species of these across the world, and

1 these are just land isopods. Not water isopods,
2 the ones live in the ocean.

3 But what I was saying is they need water.
4 They will be, they already are hampered by a
5 right-of-way. If that right-of-way is made
6 larger, it's going to mean that these organisms
7 will have, they won't be able to get across it.
8 It also means that it will keep amphibians --
9 that's the ones I most worry about is the
10 amphibians in the vernal pools that are along
11 these right-of-ways. They feed a lot on these.
12 And if you have fragmentation with these crazy
13 little organisms, it's going to affect birds,
14 snakes and the amphibians in these vernal pools
15 which are already under stress because of
16 climate change.

17 So I will stop with that. I can't get over
18 what they can do though. They do actually, they
19 use them in coal, the big huge piles of coal
20 ash. Maybe we should put these along in the
21 buried --

22 PRESIDING OFFICER HONIGBERG: Let's not get
23 carried away, Mr. Draper. It sounds like you're
24 ready to wrap those babies up.

1 A (B. Draper) I can thank you very much -- unless
2 there's questions on isopods.

3 PRESIDING OFFICER HONIGBERG: I think we're
4 good.

5 A (B. Draper) Are you sure? Thank you.

6 PRESIDING OFFICER HONIGBERG: I think, if
7 there's nothing else, I think we'll thank you
8 for your testimony, and you can clean up your
9 friends.

10 A (B. Draper) They are my friends.

11 PRESIDING OFFICER HONIGBERG: And return to
12 your seats.

13 With that, we are done with the
14 presentation of all of the witnesses. I think
15 the number ends up being almost 160. And we'll
16 close this part of the proceeding.

17 The next step is to work on exhibits.
18 We'll take a break, give you all a chance to
19 stretch your legs, do what you need to do.

20 I think the other members of the
21 Subcommittee are probably going to leave, and
22 we'll hang around here for as long as we can do
23 productive work, and with luck, finish it so
24 folks won't have to come out in the snow

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tomorrow.

(Hearing ended at 4:50 p.m.)

(Exhibit Conference in separate volume)

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
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16 interested in this action.

17 Dated at West Lebanon, New Hampshire, this 29th
18 day of December, 2017.

19
20 _____
Cynthia Foster, LCR
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22
23
24