STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

February 1, 2018 - 10:41 a.m. DELIBERATIONS
49 Donovan Street DAY 3
Concord, New Hampshire Morning Session Only

{Electronically filed with SEC 02-02-18}

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

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

Dir. Craig Wright, Designee Dept. of Environ. Serv.
Christopher Way, Designee Dept. of Resources &
Economic Development
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby Public Member
Rachel Dandeneau Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel to the SEC
Iryna Dore, Esq.
(Brennan, Lenehan, Iacopino & Hickey)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

{SEC 2015-06} [DELIBERATIONS-DAY 3 MORNING SESSION] {2-2-18}
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CHAIRMAN HONIGBERG: All right.

We're back. That's what public deliberations can look like. They can look really, really boring.

Yesterday we had, and the day before, we had a lengthy discussion of orderly development of the region, which is one of the major criteria that the Committee has to consider when it has an application in front of it. I'm going to summarize the statute and the rule and the question.

The statute is RSA 162-H:16, the required findings regarding the issuance of a certificate. Roman IV says, "After due consideration of all relevant information regarding the potential siting of routes of a proposed energy facility, including potential significant impacts and benefits, the Site Evaluation Committee shall determine if issuance of the certificate will serve the objectives of this chapter. In order to issue a certificate, the Committee shall find that," and Paragraph (b) says, "The site and facility will not unduly
interfere with the orderly development of the region, with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies."

We have two rules that are directly relevant to this criterion. One is Site 301.15, which are the Criteria Relative to a Finding of Undue Interference, and it says, "In determining whether a proposed energy facility will unduly interfere with the orderly development of the region, the Committee shall consider: (a) the extent to which the siting, construction and operation of the proposed facility will affect land use, employment and the economy of the region; (b) the provisions of and financial assurances for the proposed decommissioning plan for the proposed facility; and (c) the views of municipal and regional planning commissions and municipal governing bodies regarding the proposed facility."

The other rule that's directly relevant is Site 301.09, which I will not read in full. It refers to the contents of the Application which directs an Applicant to
provide a raft of information that in one way, shape or form is related to the criteria that I read from 301.15, which is the way we're supposed to get at the finding in 162-H:16. Everybody got that? Good.

On the first day, we talked about financial, managerial and technical expertise, which is the first criterion under 162-H. And it was fairly obvious to me that there was a consensus among the members of the Committee. I was able to articulate that consensus and get general agreement that I had it right. I do not have any sense of where the Subcommittee is on "undue interference with the orderly development of the region," and so what we are going to do is ask people to talk about where they think they are in this. There's no motion. There's no vote right now. But we're going to ask people to say where they are as a way of bringing the discussion about orderly development to a close.

I think I may have said it earlier. I know I said it yesterday. Again, it is the Applicant's burden to establish, more
likely than not, that there will not be an undue interfe
rence with the orderly development of the region. Lawyers love formu
lations like that, but no one else does. But the lawyers in the room understood what I just said, and I think the members of the Subcommittee do as well.

Mr. Way has graciously agreed to go first.

MR. WAY: Thank you.

Good morning. All right. In putting my thoughts together on orderly development over the last few days, and I think we had a lot of content yesterday particularly, let me touch on some of the points that we discussed. And they may be not in the order that's in 301.15.

With regards to employment, I do believe the Applicant has met that burden of proof that it will positively impact employment. As I said yesterday, I'm less concerned about the temporary nature of the majority of the jobs that will occur during construction. I think that's the nature, stock and trade of the construction industry, and it's a value in
themselves. I do think that there will be indirect jobs and induced jobs. I think it's going to be dependent upon the market as Commissioner Bailey raised yesterday.

I also agree that there could be significant tax revenue to the towns, depending upon market conditions. I do believe that there will be a positive impact to the regional gross domestic product, and state product as well.

And I do believe that there will be energy savings, albeit we can talk about the scale of those savings that will be translated to consumers, manufacturers, et cetera.

Regarding the piece on decommissioning -- and decommissioning has been important to me -- I find that the proposals for financial assurance I think can work, and I think with some conditions, or one or two conditions, I think it will be appropriate for the Project. And I know we're going to be talking about that a little bit more. So those are the things I agree with.

And I think here is where we're going to part ways a bit. I do believe there's
going to be an impact to business, and that
impact's been washed away by simply referring to
the Project as a "region-wide basis," the region
as a whole. I think we've heard from several
businesses, particularly in the underground
route. They believe the Project could
negatively impact their operations. Don't think
this is to be dismissed, as small businesses are
the cornerstone of our economic development.

Regarding land use, I was not

convinced that the entire project would be
consistent with the prevailing land use. I

think we pointed out several areas where we had
concerns. I think we brought up the issue of
that tipping point when it's no longer
conforming with what was the original intent and
design for the ROW. I did not find the argument
that master plans lacking specificity in

referencing transmission lines to be convincing,

knowing what we know about master plans and how
they're used and how -- the process for being
developed. The same thing I think with the

references to the zoning as well. In many
cases, I thought that it tended to suggest other
than what the Applicant was suggesting.

I've been very clear I think on the process. I don't think there was enough interaction with stakeholders to determine if the siting and construction would unduly affect the prevailing land use. Once again, I see the communities as summing up to the regions.

Tourism. No surprise from yesterday. I do not believe the Applicant has met the burden of proof that there will be no impact on tourism. I'm not sure I know one way or the other. I was critical of the methodology and findings. I did not find them to be particularly adequate or convincing. I did not find the witness to be particularly knowledgeable about the state, its tourist destinations, and I didn't feel there was an adequate outreach to attempt to fill that gap.

Felt very little consideration given to the tourist businesses, events and resulting traffic. You know, and particularly on the traffic, I really didn't think that some of the pieces were joined together that would have helped us to make that decision.
Impact to property values. In the same vein, I'm not sure I accept the argument that there will be no impact to property values. It just doesn't make sense to me that there won't be any. But once again, if we sort of wash it into a region, I guess that's the statement that can be made. But I just don't think it passes the "straight-face test" that there will be none. I think we've heard some good testimony to suggest that it could be just the opposite. I don't think -- and I don't think it may be to the extent that's been suggested in some cases. I don't know. So, you know, once again, I have questions about the process of answering the question, the outreach to the stakeholders best able to answer those questions. It's a continuing theme of mine.

So I guess with regards to whether -- my view at this point, without making anything formal, if someone came up to me and said, "Will this project unduly impact orderly development?" I don't think I'd have a clear answer. And to me, that suggests that the burden of proof hasn't been met. That's my
thought.

CHAIRMAN HONIGBERG: Staying to my right, Ms. Dandeneau.

MS. DANDENEAU: Thank you. First, I think I'll start with some of the things that I agree with what Mr. Way just commented upon, and that is that I do think that we have been shown that there will be energy savings. And I'm sure, like many people in the room, that that's -- I appreciate that.

In terms of decommissioning, what we have in front of us makes sense to me. I feel that financially the Applicant and its parent companies will be able to decommission this project, if it were built, appropriately.

I also agree with Mr. Way that there has not been enough interaction with stakeholders, particularly on a finer scale, to evaluate this Project's impact on land use.

And then in summarizing my own thoughts over the last couple of days, which I apologize are not in perfect order here, I am not convinced that the construction phase of this project would not have an impact on tourism
and the economy. We've heard about and talked about the traffic plan, or potential traffic plans extensively, and I'm concerned about businesses being impacted while construction is at or near those business locations. And specifically, I'm concerned about Plymouth's Main Street businesses and some smaller farms in the north and central part of the state that we've heard about. I'm also specifically concerned about those businesses and residences who will be impacted by underground construction. Their travel to and from work, school and emergency care access also concern me.

In terms of land use, I'm concerned about vegetative clearing, particularly in the new right-of-way up north, in that that vegetative clearing will have an impact on land use. I don't agree with Mr. Varney's testimony that, because 80 percent of the Project is proposed to be in an existing right-of-way, that it does not change land use. I also agree with the North Country Council, in that I have the concern about the cumulative
impact of large projects in the North Country in terms of land use.

In terms of the economy and the LEI study, that was very much outside my comfort zone. But I do feel that it was very thorough and that Ms. Frayer obviously knew what she was talking about. I think that that study looked at New Hampshire as a whole and did not get at the finer lens view of potential economic impacts from this project.

In terms of property values, I agree with a lot of what was said by the Subcommittee over the last day or so. I did not find the analysis credible or convincing, and I do have concern about this project's impact on property values.

In terms of jobs, Commissioner Bailey commented, I think it was yesterday, about the REMI model's predictions for job creations being overinflated, and that makes a lot of sense to me based on conversation regarding energy markets and some potentially changing numbers. I do think that there will be a net increase in job opportunities, and I think
that that is a good thing.

I guess one last comment on

 tourism. I don't feel that we have in front of

 us at this point in time an analysis of what the

 construction phase of this project would or

 would not have on tourism. I feel that this is

 an oversight by the Applicant and their experts.

 And so I guess just in summary I

 would say that I'm in a similar position as

 Mr. Way, in that I'm not entirely sure that the

 Applicant has met their burden of proof to show

 that the Project will not unduly interfere with

 the orderly development of our region.

 CHAIRMAN HONIGBERG: Staying to

 my right, Ms. Weathersby.

 MS. WEATHERSBY: Thank you. I

 can neither type nor think as fast as my

 colleagues to the right, so I probably will be

 more brief. But I do sense a consensus, at

 least with the two of you, concerning the

 Applicant's burden of proof in areas where

 things are looking good and things are not

 looking so good.

 I think on the pro side is
employment. I think that the testimony has shown that jobs will be created by this project, especially during construction. I think there will be some permanent jobs, and those jobs are valuable and will contribute to New Hampshire's economy. I also believe that some jobs will probably be lost due to construction impacts, but that those losses will be far less than the jobs that are created.

Another pro I think is the economy regarding electric rates. We heard a lot about electric markets, generating facilities that may retire, et cetera, et cetera. And I understood most, certainly not all of it, the finer details. But I do believe that if this project is constructed, there will be some favorable impact on electric rates. But I also take from the evidence that those savings are not as large as the Applicant forecasted.

I also believe, regarding decommissioning, I don't see an issue. I think the Applicant has met its burden.

Concerning tax revenue, there's kind of pros and cons. I think that Northern
Pass infrastructure, the property taxes that will be paid to communities will be great and it will be helpful certainly to those communities and to the economy. But I do have concerns that over the long term the continued effect of the Project on property values will diminish the property taxes that Eversource will pay. I have real concerns about property values, and I do believe that property values will be affected by the presence of this project in a much greater degree than was stated by the Applicant.

Concerning land use, the Applicant's continued insistence that because the Project is in an existing corridor doesn't take into account that that corridor isn't zoned. It goes through land that is zoned for something else. It's not, in most cases, industrial or commercial land, but it's zoned for agricultural or residential, et cetera, and the municipalities have specific guidelines for the use and development of those areas. And those ordinances and plans don't preempt SEC jurisdiction, but I do think they need to be taken into account. And as I think we talked
about yesterday, I do think there's a tipping point in which the nonconforming use, such as the use of the corridor for the Northern Pass Transmission Project, becomes a different use in some places, and I do believe that will be the case. As to the new right-of-way, my concerns, similar to Ms. Dandeneau's, those areas particularly outside of the Wagner Forest, the Project will be very inconsistent with the prevailing land uses there to a very large degree. I also believe the Applicant's analysis fell short by requiring actual physical interference with the land use and not recognizing that land uses could be affected in other ways. I also think there were some technical deficiencies, such as not providing all the information required under our rules.

And as I considered the views of the municipal and regional planning commissions and municipal governing bodies, I also find the Project to be contrary to almost all such views, and I do give that some weight. Again, it doesn't preempt SEC jurisdiction, et cetera, but we are required to consider them. And I do, and
I find that the Project is inconsistent with almost all of those views.

Concerning tourism, I also believe the Applicant didn't demonstrate that there will not be undue interference to tourism from this project either during construction, and particularly over the long term. The analysis by Mr. Nichols was deficient in many respects, and I was left unpersuaded that New Hampshire tourism will not be unduly influenced in a negative manner.

So I also agree with my colleagues that the Applicant has not met its burden to show that the Project will not unduly interfere with the orderly development of the area.

CHAIRMAN HONIGBERG: All right. Moving over to my left, Mr. Oldenburg.

MR. OLDENBURG: Thank you, Mr. Chairman. I guess I don't have too much to add, so I'll be pretty brief.

I agree with Mr. Way's assessment of the impacts on tourism. I believe there will be an impact on tourism.
I believe that there will be a positive impact on employment.

I think there will be a positive impact to the state economy concerning the electric rates, as was discussed.

I think there will be business impacts along the route that will occur during construction, but I'm not as convinced that they will be long-term impacts.

I do believe, as the other folks have stated, that the property values will be impacted in a negative way and that land use, especially up north, would be impacted. And to some degree, all the areas would be impacted from a land-use standpoint, some less than others I would think, especially in the existing right-of-way.

Concerning the construction, I know we spent a considerable amount of time talking about some of the outstanding information and the construction, but I think because this process has taken so long, we've seen the normal course of changes with plans and the normal design process that happens when a
set of preliminary plans is submitted with a
permit application. To the point where you're
trying to finalize those plans, changes occur.
So while there was a lot of consideration that
we don't have a final survey plan, we don't have
a final set of construction plans, we don't have
all these UAM exception requests granted, I'm
not as concerned with that. They will be
finalized. It's a requirement of the Project
that they will be finalized, that the issues
will be addressed. And I think we have enough
information concerning the route, what
construction will take place, where it will take
place, that I don't think the construction will
unduly interfere with the orderly development of
the region.

So, all in all, I would -- I'd
say there's certain points that they definitely
missed. But the point I discussed most was
construction, and I don't see that as a
negative. So... do you need --

CHAIRMAN HONIGBERG: You want to
go any further than that? You're not obligated
to.
MR. OLDENBURG: I would say that they haven't met their burden of proof overall and that they will -- it will have an unreasonable impact on orderly development. Is that what --

CHAIRMAN HONIGBERG: I think people were probably wondering what your bottom line was.

MR. OLDENBURG: That's my bottom line.

CHAIRMAN HONIGBERG: Mr. Wright.

DIR. WRIGHT: Thank you, Mr. Chairman. I probably will go in order of the rule. That's just how I laid out my thoughts here. I do agree with a lot of what's already been said, but I wanted to still share some of my thoughts.

With respect to land use, I do have some concerns about the new right-of-way, but I think that my primary concerns are in the existing right-of-way. I think Ms. Weathersby mentioned the idea of a "tipping point." I wasn't overly convinced by the argument that because you have an existing right-of-way with
utilities, then this would be consistent with local land use. I say that in consideration of, one, not only the new line coming in, but also the work that needs to be done to accommodate the new line in terms of moving other lines within the right-of-way. I do view that as having a potential significant change on the local land use in many areas of the state.

Employment. I do agree overall there will be a net gain of jobs. It's already been said. The temporary nature of construction jobs doesn't concern me. I mean, that's what construction jobs are; you move on from job to job. But overall, I do think there will be a net gain of jobs.

I think there will be some business losses. I think some of that could be recovered by the business compensation plan that the Company's offered up. Also, I think the Company did offer that they would encourage their workers to use local businesses. I think that could offset some of the potential loss in business.

With respect to the economy, I
think there is credible evidence from Ms. Frayer that there will be energy savings. We've already talked about the exact amount of that is a little unknown, but there certainly seems to be evidence there would be a net positive.

With respect to the real estate values, I did not find the witness credible. I thought there was a lot of gaps. I thought we received significant evidence from other parties that there could be real estate impacts from the Project.

Tax revenues I think overall is a positive. I think the Company and the Project would be a significant tax for many of the towns. I know we heard some potential feedback from some folks about appeals and the methodology for assessing the taxes, but I think at the end of the day there would be a net positive there.

Tourism. Again, I didn't find the witness credible for a number of reasons that have already been stated by others.

Decommissioning. I was satisfied, I thought, with what the Company had
offered up at the end in terms of a proposed condition. And would just note, obviously, that the Counsel for the Public -- it seemed to be very consistent with what Counsel for the Public had asked for.

Municipal views. I think we received overwhelming input from municipalities that felt like the Project would unduly interfere with the orderly development of the region. I won't get into town versus region. I think that's already been covered. Again, I wasn't convinced that lack of specificity in some of the initial plans was sufficient to indicate that there could not be an impact. I think we saw in some cases there was a clear desire by local communities to maintain the rural nature of their town. And I have questions as to whether, given the scope, scale and size of the Project, that we would be able to accomplish that. I think in some cases we saw some local ordinance that specifically mentioned burying transmission lines, and the Project was not proposed to be buried in that area.
I think when I take all of that into my mind, I would feel that the Applicant has not met the burden of proof with respect to unduly interference with orderly development.

CHAIRMAN HONIGBERG: Commissioner Bailey.

CMSR. BAILEY: Let me start by saying that I agree with most of the comments of my colleagues. I've learned a lot in this process, especially about the construction piece, and I'm very happy that Mr. Oldenburg was on this Committee to explain it as he has during these deliberations. I was initially rattled by the lack of details that weren't there in the construction plans, but Mr. Oldenburg has explained that that's a -- it is a normal part of the process and that it can be dealt with. So I felt much better about that aspect. But I still have a concern about the local town roads and the burial in those roads, and I'm not sure I have enough evidence to conclude that it can be constructed -- that we should preempt the towns. I think, you know, we talked about a DOT to -- a consultant. And maybe we could have
gotten there. But I don’t think we really need
to figure that out right now based on our
conclusions about other parts of orderly
development.

I agree that I think that the
Applicant demonstrated that it will have some --
the Project would have some positive benefit on
the economy. Therefore, it won’t unduly
interfere with the orderly development because
it’s not going to be a negative impact on the
economy. I think that there would be a positive
economic impact on the host communities from the
increased tax revenue. But some communities
have claimed that that revenue will not offset
the impacts from the Project due to the change
in the character of the town and possible tax
abatements that they’ll face as a result of lost
value in property. And that brings me to the
next point.

With respect to property values,
I don’t believe that the Applicant has met its
burden to demonstrate that there will not be an
impact on property value. I think that it’s
more likely than not that there will be more of
an impact on property value than the Applicant claims. You know, they did admit that there would be some impact on nine properties, but I think it's likely more than nine properties from a project that is this large. And I think that there could be impact on property values that don't necessarily abut the transmission line or that have a right-of-way that go through them.

I also, like the others, have not been convinced that there wouldn't be an impact on tourism. There may not be, but I don't know. I think the testimony in that regard was not sufficient to demonstrate that there wouldn't be.

With respect to the decommissioning, we haven't really talked about all the provisions of the plan itself. But with respect to whether it would be an undue -- whether it would affect orderly development, I think that the financial assurance that the Applicant offered will make sure that it's properly decommissioned, as long as the details of the decommissioning plan were worked out. And I think that could be done, so I don't have
a problem with that.

The statute and the rules highlight the views of municipal officials. And in smaller projects -- well, in other projects, I think most -- you know, we've had -- the Site Evaluation Committee has had -- has taken into account views of municipal officials, but generally they were more positive than they have been in this case. And sometimes there was a little debate among municipal officials, but I think that in smaller projects the Applicant has been able to work out agreement with municipal officials that the Project wouldn't have an undue impact on orderly development through various agreements that they've had. And unfortunately, that has not been the case in this instance. So we really do have to take into account the views of municipal officials, and those have all been very negative and have in many cases demonstrated their belief that this is not consistent with their master plans, their zoning ordinances. So, therefore, I don't think that the Applicant has met is burden of proof with respect to that either.
So, overall, I think that the evidence that we have lacks the information that I would need to make a finding that there is not an undue -- let me get the statute right... that the site and facility will not unduly interfere with the orderly development of the region. And by "region," my thoughts would be the region that the transmission line would be constructed through.

CHAIRMAN HONIGBERG: I don't disagree with most of what I've heard from the other members of the Subcommittee regarding land uses. I am perhaps more concerned than others about the consistency with prevailing land uses from the Canadian border through to the transition station in, I think it's Bethlehem, where the long underground passage starts. I think in Pittsburg and Stewartstown and Clarksville, the above-ground sections, except perhaps in the Wagner Forest, are inconsistent with the current -- with what is currently there. Those are new. It's a new right-of-way. I think the underground sections up in the North Country on the town roads present tremendous
problems in logistics for the local communities, for the Applicant if construction were to begin, and for everyone who lives in that area. I think as a general proposition, construction can be managed.

And I think over the course of the line, if construction were to take place, I think I agree mostly with Mr. Oldenburg, where I think there is a lack of analysis presented to us to tell us what the job offsets would be. There's no question that during the construction there would be jobs, many of them, to build the line and to do all the work necessary to make that happen. But because the Applicant's experts concluded there would be no adverse impacts, they didn't analyze the job losses to those local businesses. So we don't have that information. I suspect that Mr. Oldenburg's probably right; the job losses would be less than the jobs created. But no one has demonstrated that to me, so I can't say that.

With respect to some of the specific things that the statute and the rules direct us to look at, there are significant
holes in the showing by the Applicant with respect to, as I just mentioned, the economic effect of the facility on the affected communities; the effect of the proposed facility on real estate values, on tourism and recreation, and on community services and infrastructure. All of those showings were inadequate to me. Now, those are subcategories of a larger category, and if things were overwhelming in another direction, maybe those could be overcome.

But I -- unlike some of the others, while I recognize energy market savings are likely, and there seems to be no dispute about that, those are small. Those are a tenth of what the projected capacity market savings were supposed to be. And I know there's a lot of people in this room, in this state, who are concerned about electric rates, that the rates are too high, that electric bills are too high. That has an effect on the economy. But the savings from this project, demonstrated savings, are small. In its post-hearing memorandum, the Applicant noted that the capacity market savings
are not dispositive here, and even seemed to be saying just rely on the energy market savings. Well, the energy market savings are very small. And I would note that the energy market savings and the capacity market savings, to the extent they can be realized, can be realized by any similar project should Massachusetts decide not to go with Northern Pass, or if Northern Pass is not certificated and they have to go in another direction. The testimony from all of the experts is the same, that any similar project will deliver the same benefits to New Hampshire's ratepayers.

Those were the highlights. As I said, I don't disagree with most of the rest of what I've heard from my colleagues. I do not believe the Applicant met its burden to demonstrate that the Project would not unduly interfere with the orderly development of the region.

And I'll note in closing on this topic that this is not a vote. And I know the people who are reporting and tweeting on this are probably going to make sure that that gets
out there. We're going to continue the
discussion of all of the rest of the Application
and the other elements. And until a vote is
taken, everything is open for discussion. But
that's where we are right now.

So I think we're going to take a
five-minute break and give everybody a chance to
stretch their legs.

(Recess was taken at 11:21 a.m.
and the hearing resumed at 11:33 a.m.)

CHAIRMAN HONIGBERG: All right.

We're going to move to a different topic and
talk about air quality, which is one of the
criteria we have to consider.

Mr. Wright, would you please lead
this discussion.

DIR. WRIGHT: Thank you, Mr.
Chairman. The rules site for this is Site
1301.14(c) and would determine whether the
Project will have an unreasonable adverse effect
on air quality. The Subcommittee is required to
consider --

CHAIRMAN HONIGBERG: Mr. Wright,
just to be clear, it's 301.14(c).
DIR. WRIGHT: Sorry. 301. Thank you.

The Subcommittee is required to consider the determinations of the New Hampshire Department of Environmental Services. I'll move so the stenographer can see me better.

The Applicant asserts that the Project will have a positive impact on air quality. The Applicant has also argued that the Project will advance state and regional policies by lowering emissions, diversifying energy supply and enhancing electric system reliability. We had evidence supported by Ms. Frayer and Mr. Varney regarding air emissions and the fact that the Project would likely displace older, less-efficient fossil-fuel-fired generation. The Applicant, through an analysis, came up with an estimate of potential reductions of around 3.2 million metric tons of carbon dioxide. And some other ancillary benefits included reductions of sulfur dioxide in the range of 100 to 198 tons, and also nitrogen oxides in the range of 565 tons to 650 tons.
Ms. Frayer further opined that the social incremental benefits from the CO2 reductions was in the neighborhood of $207 million. Ms. Frayer also asserted that hydropower generation that will be transmitted by the Project will diversify current energy supplies in the region, produce significant emission reductions which we've already talked about, and it will also help meet the climate goals of the State of New Hampshire.

Counsel for the Public, with respect to the initial estimates of carbon emissions, expressed some concerns about whether the Project would actually displace other zero-emitting sources or existing natural-gas-fired resources, which is the basis of the estimates of the carbon emission reductions. There was also some consideration as to the value of those emission reductions. They came up with an estimate of $140 million to $340 million annually. They opine, though, however, because of the way that New England is a regional power grid, that the direct benefits to New Hampshire would only be 10 percent of
that. At the end of day, they also concluded
that there is no legal, binding mandate to
reduce greenhouse gas emissions, so the actual
value of those emission reductions is quite low,
based on their opinion.

We had also some preliminary
filings from several municipalities, namely, the
town of Easton. There were some general
concerns expressed by the Board of Selectmen in
Easton, Ned Cutler, and also Ms. Pastoriza from
the Easton Conservation Commission, regarding
general air emissions. I didn't see any
specific references in those sites.

That is basically a very brief
summary of what's in the record. And I could
certainly lead off what I think would be a brief
discussion.

CHAIRMAN HONIGBERG: Why don't
you lead off with what would be a brief
discussion.

DIR. WRIGHT: I would start with,
first of all, just note that the Project does
not require an air permit from the Department of
Environmental Services. The only — there are
some regulations that do apply to the Project, though, mainly in the form of controlling fugitive dust from construction activities. When Mr. Varney was on the stand talking about air quality, I inquired of him of that, and he noted that the construction aspect of this would follow DES Best Management Practices. And I asked if that was consistent with the Department's administrative rules on controlling dust, and he said they were. I would be satisfied, if we granted something, that we should just make a reference to the state's ENV-A1000, which controls fugitive dust emissions. I was convinced that normal construction BMPs can normally make sure that the dust is controlled in that situation.

Regarding the potential emission reductions, I found Ms. Frayer and Mr. Varney to be credible. Ms. Frayer went through a very technical analysis to identify which specific generation resources would potentially be displaced by the new line. I found her analysis to be credible. So I find those potential emission reductions to be credible. Whether
there's a value to them or not, I guess that's up for debate. I don't know how important that is at the end of the day. I would say that certainly potential carbon emissions certainly do support the state's Climate Action Plan, which is an aspirational goal. It's not a law. It's not a regulation. But we do have a goal of reducing carbon emissions in the state of New Hampshire to the tune of 80 percent by 2050. The Project would seem to be consistent with that.

With respect to air emissions from construction equipment associated with fuel burning, certainly there will be air emissions. I don't think that there is any evidence suggesting that that would cause any significant air quality issues. The emissions would be temporary in nature, and I can't believe that they would have any widespread impact on regional air quality. And I think that's all I would add.

CHAIRMAN HONIGBERG: Mr. Way.

MR. WAY: Thank you, Mr. Wright.

I agree with you. I found the witnesses to be
convincing, Ms. Frayer and Varney, with regards to this topic.

One question I have for you beyond the BMPs. Since there is not going to be an air permit, beyond the BMPs that occur with your agency, do you see the need for this Committee to impose any additional conditions, or would that -- is that satisfied through the DES process?

DIR. WRIGHT: I think it could be satisfied through the DES process. We certainly have the authority to enforce our own regulations. Boots and suspenders, would it hurt to put a condition? Probably not.

MR. WAY: Thank you.

CHAIRMAN HONIGBERG: Mr. Iacopino has a question for you, Mr. Wright, just for clarification.

MR. IACOPINO: You cited a DES regulation for fugitive dust. Can you just tell me that again?

DIR. WRIGHT: ENV-A1000.

CHAIRMAN HONIGBERG: Ms. Weathersby.
MR. IACOPINO: Thank you.

MS. WEATHERSBY: Thank you.

Mr. Wright, I didn't hear any mention about methane. And there has been some allegations that the source of the power, the hydroelectric power being generated in Quebec, is producing methane. Is that not up for consideration because it's technically not part of the Project?

DIR. WRIGHT: That's a great question. As I recall Ms. Frayer's analysis, when she looked at overall carbon emission reductions, she did look at potential emissions at the generation source. I recall in her testimony she made an allowance for that and I believe subtracted that from the numbers she reported.

CHAIRMAN HONIGBERG: Any other questions for Mr. Wright?

[No verbal response]

CHAIRMAN HONIGBERG: Does anyone disagree with Mr. Wright's conclusion, tentative as it is, that we're probably okay on air quality? I think there's lots of nodding heads.
Mr. Wright, want to talk about water quality?

DIR. WRIGHT: Sure. Let me just get my notes. We're going to kind of tag team this a little bit. Ms. Dandeneau is going to help me with some of the record. There's quite a bit, an extensive record on water quality in this case.

The regulatory site is Site 301.14(d), and it requires, again, to consider -- the Committee consider the determinations of New Hampshire DES, U.S. Army Corps of Engineers, and any other state or federal agencies having permitting or other regulatory authority in order to determine if the Project will have an unreasonable adverse effect on water quality.

The record in this proceeding shows that DES issued its final decision and recommended permit conditions on December [sic] 1st, 2017. I think on Monday I gave a very brief description of those four certifications under the DES rules -- wetlands, Shoreland Protection, 401 Water Quality
Certification and Alteration of Terrain -- under various state statues. I don't think I need to repeat that. In total, the DES recommended conditions are 31 pages in length, including some 77 conditions and 38 findings related to wetlands impacts; 9 general conditions and 33 site-specific sets of conditions related to shoreland impacts; 19 conditions related to Clean Water Act Section 401 Water Quality Certification, and 14 conditions related to alteration of terrain.

The Applicant in its filings asserts that the Project will not have an unreasonable adverse effect on water quality, and the Project was designed to meet the standards set forth in the DES regulations pertinent to the four DES programs I previously mentioned, and in addition to the requirements of the U.S. Army Corps of Engineers 404 Clean Water Act requirements.

With respect to wetlands, the Applicant provided a lot of testimony, primarily in the form of from Ms. Carbonneau of Normandeau Associates, that the Project -- and she opined
that the Project was designed to avoid and minimize impacts to wetlands resources. She also indicated that the decision to place an additional 52 miles underground both reduced permanent and temporary impacts. I know there have been some questions raised on that, so that may be something we want to talk about later.

Ms. Carboneau also testified that the permanent impacts are limited to around 2.53 acres over the entire length of the 192-mile project. That estimate is consistent with the DES findings. In addition, permanent impacts to perennial streams were avoided, according to Ms. Carboneau.

Ms. Carboneau further asserted that while there was not an expectation that the Project will enhance wetlands functions and values, the Applicant is required to restore the wetlands so existing functions and values will remain and that the spacing of transmission structure foundations, in some cases hundreds of feet apart, will have a long-term -- will help to minimize the effects on wetlands impact and also values and functions.
There was further testimony that in some cases, you know, many factors dictated the location of some structures. It's not just wetlands. There are other factors, including the transmission design, land availability, constructability, and then, of course, natural resources impacts, and that there were considerable efforts to minimize those impacts.

Temporary wetlands impacts primarily associated with the construction access paths or roads and crane pads will total approximately 140 acres over the length of the Project. A lot of that is within the existing right-of-way where construction access presents a challenge for the Project. There are not a lot of adjacent roads and public roadways to access the right-of-way; therefore, to traverse up and down the right-of-way you need to use the right-of-way.

Where practical, the Applicant has indicated they will work on in the wintertime during frozen conditions or in late summer when ground saturation is minimal. And generally, if for some reason they can't do
that, then they would obviously need to enter those areas when there is water available and that they would take, you know, precautionary measures, including the use of timber mats and other minimization techniques to minimize wetlands impacts.

Secondary impacts from the Project include the permanent removal of tree canopy from forested wetlands, clearing of upland forests within 100 feet of vernal pools and perennial streams, clearing within 50 feet of intermittent streams and within 25 feet of ephemeral streams, and the placement of temporary timber mats in deep organic soils. Such secondary impacts total approximately 180 acres and are mainly in the northern portion in the new right-of-way.

Ms. Carbonneau further went on to testify that the tree cutting in wetlands and stream and vernal pool buffers can certainly create -- impact functions and values of wetlands, particularly plant and wildlife habitat, and placing timber mats on deep organic soils may lead to soil compression in some
cases, in addition to local habitat changes. It was explained that although New Hampshire does not regulate secondary impacts under its wetlands programs, the Applicant included in its wetlands compensatory mitigation measures all of the secondary impacts.

Direct impacts. It was testified that they are minimal, again, in terms of permanent impacts, the 2.5. And those impacts that are unavoidable would be addressed by the Applicant's compensatory mitigation measures. The compensatory mitigation measures for wetlands include: Preservation of 1,621 acres divided between 16 parcels of land comprising 8 sites; payment into the Aquatic Resource Mitigation Fund that's administered by DES to the tune of a little over $3.3 million, and funding a partnership with the National Fish & Game Wildlife Foundation and with the Company in the amount of $3 million to fund science-based conservation projects.

With respect to shoreland impacts, there was testimony from the Applicant that the Project will not have an unreasonable
impact on water quality, and that by locating
most of the Project in the existing right-of-way
where earthwork and footprints of proposed
structures and necessary clearing within the
protected shorelands is fairly limited and
unavoidable. Sorry.

There was further testimony
regarding shoreland, that, to the extent
practical, new and relocated structures were
located outside the 50-foot waterfront buffer.
Also, the construction activity within the --
the greatest amount of construction activity
within the protected shoreland would occur near
the Pemigewasset River in New Hampton, Ashland
and Campton, and that in New Hampton and Ashland
the impacts will be temporary and minor
permanent impacts. In addition, she testified
that impacts in Campton would only be temporary.

Shoreland impacts in the new
right-of-way. It was testified that limited to
upgrades of temporary access roads in the
shoreland areas of the Connecticut River, Nathan
Pond and Dummer Pond, and a small amount of
trenching and a jacking pit at the Connecticut
River.

The Applicant opined -- or Ms. Carbonneau opined that due to the limited nature of permanent impacts and measures to temporary impacts, the Project will not have a substantial negative impact on protected shore -- on water bodies in the Project area.

With respect to surface water and groundwater quality, we received a lot of testimony from the Applicant, primarily in the form of Jacob Tinus with Burns & McDonnell. He testified and explained that the principal water quality issue related to the Project is from stormwater which has the potential to translocate sediments eroded from disturbed lands which, if not managed properly, can be carried into wetlands and aquatic resources.

Mr. Tinus testified that Best Management Practices will be required as part of the DES requirements and under the 401 Water Quality Certification, and also the Alteration of Terrain Permit, and that they will be used to minimize erosion and sedimentation, stabilize soils and restore disturbed areas once
construction activities have been completed. The AOT permit covers the nine developmental sites. This includes the converter station in Franklin, the Deerfield and Scobie Pond substations. And the nine [sic] transition stations. Those nine sites will implement both construction BMPs, as well as permanent stormwater BMPs. In addition, the AOT rules require the Applicant to follow the approaches and BMPs in a number of guidance manuals notably issued from the Department of Environmental Services, the former department known as DRED, and also the Department of Transportation.

Upon the commencement of activities, Mr. Tinus testified that prior to construction the Project contractors will mark or delineate locations of aquatic resources by flagging, signage or fencing, and then contractors will install erosion and sediment control Best Management Practices. During construction, temporary ditches and swales may be required, and they're part of the DES proposed conditions.
There was further testimony that appropriately credentialed environmental monitors, including certified wetlands scientists, would be retained by the Applicant and responsible for understanding the conditions of the environmental permits for the Project. Regular inspections of erosion and sediment controls will be performed in accordance with the certificate, if issued, and all state requirements. There would be ongoing meetings between project contractors and project managers to help proactively manage construction activities.

Mr. Tinus further explained that there would be a Stormwater Pollution Prevention Plan that will need to be developed and will include some things, including: No applications of pesticides, restricted use of fertilizers, adherence to BMPs, the development of a HDD frac-out plan and prohibition on use of road salt on all temporary roads.

For construction on the overhead portion of the route, BMPs will be used to -- utilized to avoid and minimize water quality
impacts. After construction on the underground portion of the route, the Applicant indicated that surface water -- impacts to surface waters would be avoided and minimized by the use of a "cut and cover" approach which will greatly reduce open ground surface and try to reduce the potential for erosion and sedimentation from stormwater.

Trenchless operations, such as HDD, which we've talked about a lot in these proceedings, will be used to avoid most streams and rivers. A specialized Operations and Monitoring Plan, as required under the DES conditions, will need to be developed. And I believe it needs to be site-specific, developed to address risks associated with HDD frac-out. In some locations, stream crossings will be necessary. In those situations, they'll either use timber mats or potentially temporary bridges, and at the end of the job they would be removed in accordance with permit conditions.

All temporary access roads will be removed and restored in nature. And if for some reason access roads need to be permanent,
then the Applicant requests that DES be
delegated the authority to approve such roads.

With respect to groundwater, Mr. Tinus asserted, on behalf of the Applicant, to
the extent possible, groundwater resources, such as well, public water supplies, wellhead
protection areas, were proactively avoided in the siting process. None of the nine
developmental sites he noted were in the wellhead protection areas of any town or other municipalities.

Construction BMPs and other BMPs, such as for fueling and maintenance of
construction equipment, will be developed to protect groundwater from accidental spills of fuels or oils. Because the Franklin converter station and the Deerfield station will have oil-filled equipment, a project-specific Spill Prevention, Control and Countermeasure Plan is required and has been prepared.

Mr. Tinus further went on to say that, with respect to groundwater, over 83 percent of the Project is in an existing utility right-of-way and where prior disturbances have
already occurred and will continue to occur over time mainly due to maintenance activities. Most of these areas are subject to regular vegetation activity, such as tree clearing or mowing, which is typically performed in accordance with the BMPs.

And Mr. Tinus concluded that proper installation and maintenance of the erosion and sediment controls, effective construction monitoring and coordination with contractors, that water quality will not be adversely impacted.

That leads us -- I think I already mentioned environmental monitors. We've had a lot of discussion regarding that in this proceeding. The Applicant will hire its own environmental monitors. I think also, obviously it's been discussed that the state Department of Environmental Services would also be responsible for environmental monitoring as well. But I know we had a lot of discussion on that.

That was basically an intro to what the requirements are and the position of the Applicant.
CHAIRMAN HONIGBERG: I understand that you're handing off to Ms. Dandeneau.

MS. DANDENEAU: I accept the baton.

So I'm going to summarize what we have seen and heard in the record so far for Counsel for the Public and for other intervenors.

If you recall, Counsel for the Public hired experts, Adam Zysk, Brendan Alexander and David Taylor of Dewberry. They testified that the Project may have an impact on soil erosion. They opined that several aspects of the Stormwater Pollution Prevention Plan need clarification and that the Project will require construction within wetlands and water bodies.

They also had a few things to say about the Project's impacts on vernal pools.

These experts opined that the Applicant's experts applied ranking protocol inappropriately and inconsistently, failed to specify the nature of primary impacts and failed to conduct an analysis of secondary impacts. Their criticism was not with the data collection methodology,
but the vernal pool quality ranking methodology; although, no particular methodology was required of the Applicant, and DES approved the Wetlands Permit Application which included vernal pool identification and impact assessment details. They concluded that, even considering these flaws, the nature, extent and duration of potential effect on vernal pools cannot be fully determined. They did acknowledge that the Applicant modified the Project's layout so that it avoids impact on three specifically identified vernal pools. And I just would like to point out that these experts did not go into the field to confirm that all vernal pools were identified, nor that delineations were proper. They were working with what the Applicant had provided.

These experts also opined that the wetland restoration Best Management Practices addressing temporary impacts of the Project on vernal pools did not account for disruption from soil compacting and rutting, and therefore, if implemented, most likely will cause permanent impact to wetlands and vernal
pools.

They also concluded that the Applicant failed to propose avoidance and minimization measures for all impacts, and therefore, that the Project does not represent the best practical and most effective measures available to avoid, minimize or mitigate the adverse direct and indirect impacts to vernal pools.

Counsel for the Public continues to maintain that the Project would have an unreasonable adverse impact on vernal pools because not all measures were taken to avoid and minimize impacts to those resources.

I'm going to continue with the municipalities. We heard from many of them. I'm going to try go by municipality. I will note that there was a lot of repetition from one municipality to the next. That's not a bad thing. I'm just going to do my best to summarize that.

So I'll start with Bethlehem. We heard from Ms. Cassandra Laleme and Ms. Cheryl Jensen on behalf of Bethlehem. They filed a
report titled, "Assessment of Transmission Line Proposal on Natural Resources in Bethlehem."
The report identified several areas of concern associated with the Applicant's failure to delineate wetlands that interconnect. They pointed out that wetlands extend through and beyond the right-of-way, and impacts in immediate areas will affect wetland diversity, quality and function downstream. They pointed out that existence of perennial streams, three named and two unnamed, and the flow of all water -- excuse me -- of water all leads to the Ammonoosuc River, with one of these wetlands being within the Ammonoosuc River and floodplain area.

The report identified the following specific areas of concern, of which there are five: The Ammonoosuc River and its associated floodplain wetlands; No. 2, an unnamed perennial stream with extensive beaver ponds and wetland complexes, including forested, scrub shrub, emergent and open water. This stream, or the stream that's an unnamed perennial stream, flows directly into the
Ammonoosuc River, and if water quality is degraded during construction, it will directly affect the water quality of the Ammonoosuc River downstream.

Third specific area for concern is Barrett Brook and associated wetlands. Barrett Brook begins along the north side of Mount Agassiz and flows through the town forest. After crossing the right-of-way, it enters the Ammonoosuc River 1,000 feet downstream.

Specific Area No. 4, Black Brook and its associated beaver ponds and wetlands that extend well beyond the right-of-way. They're concerned about the diversity of forested, scrub shrub, emergent and open-water wetlands. Black Pond originates between Cherry Valley Road and Prospect Street, and it flows directly into the Ammonoosuc River 2,000 feet after leaving the right-of-way.

Specific Area No. 5. An unnamed perennial stream and its associated wetlands. This stream flows into Baker Brook, which then flows into the Ammonoosuc River. And there are nearly 79 acres of aquifers associated with this
perennial stream.

The report also identified two specific areas where aquifers used by Bethlehem's residents for drinking water could be degraded as a result of the construction of the Project.

Ms. Laleme also expressed concern about the location of Transition Station No. 5, stating that in its preliminary report from 2016, DES stated that construction of Transition Station No. 5 will impact 16,378 square feet of wetlands and requested that the Applicant consider a relocation of the station. However, the final DES report does not identify said impact and fails to request relocation of the station. Ms. Laleme expressed her concern about DES's failure to identify and mitigate the Project's impact at this particular location.

Ms. Jensen expressed that Bethlehem's Conservation Commission strongly opposes the Project and specifically identified the following information regarding that opposition: The Project will impact 55 wetlands, including 4 high-quality wetlands, 7 rivers and
perennial streams, 3 intermittent streams, 1 ephemeral stream, 2 high-quality vernal pools and 3 additional vernal pools in the town of Bethlehem. Also, the Project will impact 5.75 acres of wetlands in Bethlehem and will have a temporary impact on 606 square feet of vernal pools within the town's boundaries. Also, the Project will have permanent impact on 477 linear feet and temporary impacts on 1,976 linear feet of perennial streams in Bethlehem.

Based on this information, Ms. Jensen opined that the Project will have unreasonable adverse effect on wetlands and perennial streams. She also claimed that the Applicant failed to account for all currently existing vernal pools where it conducted its studies six years ago.

Ms. Jensen also asserted that construction of Transition Station No. 5 will have unreasonable adverse effect on Miller Brook. Excuse me. I'm a little confused by what I've seen in the record. It's either Miller Pond or Baker Brook Pond. And perhaps it's referred to as both colloquially because it will be located across from the pond. And
DES specifically requested avoidance of such impact as a condition for the Project's construction.

Ms. Jensen further opined that the Applicant underestimated the Project's impact on wetlands by failing to identify all staging and laydown areas and their impacts on wetlands. Ms. Jensen also claimed that the Applicant's experts failed to account for wetlands that are interconnected with wetlands outside of the right-of-way and, consequently, failed to identify the effect of the Project on wetlands that are located outside of the right-of-way but that might still be impacted by the Project due to its direct impact on connected wetlands.

Next I'm going to talk about Northumberland. We heard from Mr. Edwin Mellett. And I'll note that it was a little unclear whether Mr. Mellett was testifying on behalf of the Town of Northumberland or for Northumberland's Conservation Commission.

He noted two documents: One entitled, "Assessment of Transmission Line Proposed on

Mr. Mellett opined that the Applicant had failed to assess the impact of the Project in identifying avoidance, minimization and mitigation measures of the Project's impact on wetlands that extend beyond the right-of-way or interconnect with wetlands that extend beyond the right-of-way in Northumberland. In this regard, the reports submitted by Mr. Mellett identified the following areas of concern where the wetlands delineated within the right-of-way may impact wetlands outside its boundaries.

And he identified three areas of concern: One that he labeled the "Northern Area of Concern," one labeled as the "Central Area of
Concern," and one labeled as the "Southern Area of Concern," all largely within the township of Northumberland. And I do have specific information about where those areas are located on the ground if any of the members of the Subcommittee need that.

The specific concerns associated with these wetlands and other identified wetlands include: Increase of public access and cutoff of aquatic connectivity that may be caused by road construction; loss of biodiversity; increased opportunity for establishment of invasive species; erosion and stream bank destabilization at the site and sedimentation downstream in all intermittent and perennial streams; aquifer degradation, and potential impairment of surface water quality in the streams and in the Ammonoosuc River downstream. The reports conclude that if the Project is approved, careful monitoring of the entire area will be crucial to minimize the Project's effects on wetlands, upland buffers, surface water and groundwater quality.
The reports also highlighted concerns associated with the Applicant's assessment of the Project's impacts on vernal pools and associated habitat, of which I think there are four, four major concerns. First, the Applicant might have underestimated the Project's impact on vernal pools where it is very difficult to assess the effects of temporary impacts.

Am I doing okay, Sue?

Second, the Applicant might have failed to account for all vernal pools that will be affected by the Project where it conducted vernal pool studies during one season only.

Third, the Applicant failed to assess the upland buffer around vernal pools and failed to determine the effect on the species that breed and live in the surrounding upland and wetland areas.

And then four, the Project may have permanent impact on habitat associated with vernal pools if the Project's construction takes place during the breeding season or during a time when egg masses, insect larvae,
crustaceans and other species are developing and require the water level to be undisturbed. The report asserts that the Project may have substantial negative impact on vernal pools. It acknowledges, however, that such determination cannot be made at this time due to the lack of data and deficiencies in surveys performed by the Applicant.

Mr. Mellett also expressed some concern about the Project's impact on Roaring Brook and Dean's Brook, and he noted that these directly feed into the Upper Ammonoosuc, which is a tributary to the Connecticut River.

Mr. Mellett also claimed that mitigation of the Project's impact on wetlands in Northumberland is inadequate because the town will not benefit from $84,692.61 that will be provided by the Applicant to the ARM Fund, and mitigation preservation parcels are crossed by the right-of-way and were not purchased by the Applicant for the purposes of mitigation of the Project's impact on
wetlands.

We heard Mr. Mellett request that the Subcommittee require the Applicant to use mitigation funds to stabilize the riverbank on the Connecticut River, I believe he noted next to one of the town cemeteries.

Next I'll talk about Easton. We heard from Mr. Ned Cutler, on behalf of the Town of Easton's Board of Selectmen. And he claimed that construction of the Project along Routes 116 and 112 in the towns of Easton -- excuse me -- in the town of Easton will affect wells' water quality and availability; interfere with future maintenance or repair of the water pipes; and will cause the disruption of wetlands, contamination of groundwater and erosion that will result from damage to the trees and their root systems.

We also heard from Mr. Robert Thibault, on behalf of the Town of Easton, who testified that the town has concerns regarding underground water channels being disturbed or blocked which could adversely affect residents' well water supply. Mr.
Thibault further expressed concern that pipes which run across the Project route will impact wells.

We also heard from Ms. Deborah Stever, on behalf of the Easton Board of Selectmen, who testified that construction would impact water quality and availability due to wells being located on one side of the road and potentially the people who use them being located on the other. She asserts that the Project as proposed will cause disruption of wetlands, contamination of groundwater and damage to trees along the route from injury to root system and result in erosion and water runoff onto private property.

We also heard from Ms. Pastoriza, on behalf of the Easton Conservation Commission, who argued that the Project will cause siltation of local watershed and wetlands from trenching and siltation and pollution of the watershed with mud and drilling fluid during horizontal directional drilling practices, which, as the geotechnical borings have shown, could or will migrate out along
the water bearing strata, carrying bentonite
and polymer additives with it.

Ms. Pastoriza also had concerns about
frac-outs, impacts to aquifers, concerns
about damaging wetlands, concerns about the
release of toxins into soil mixes associated
with the fluidized thermal backfill, and
concerns about groundwater contamination from
blasting scenarios.

We also heard from Jim Collier, on
behalf of the Town of Easton Planning Board,
who testified that construction activities of
the Project might cause harm to the Ham
Branch River and its tributaries through the
pollution of wetlands, surface water or
groundwater. He also had concern about
residential wells located close to the burial
site, the proposed burial site of the
transmission line.

We heard from folks, some folks in
Plymouth, including Ms. Sharon Penney, on
behalf of the Town of Plymouth. She claimed
that the town's water and sewer and its
stormwater infrastructure will be negatively
impacted as a result of construction of the Project along Main Street in Plymouth.

Some folks from Pittsburg, Clarksville and Stewartstown, notably the members of those select boards, claimed that construction of the Project will have adverse direct effects on wetlands.

We heard from Ms. Kate Hartnett of Deerfield, on behalf of the Town of Deerfield, who opined that the Project will have negative effects on the vernal pool located east of Thurston Pond Road in Deerfield and exemplary natural communities associated with this pool.

She opined that the Applicant should modify its plans to avoid any and all impact on natural communities associated with this pool. She also testified that the Deerfield Conservation Commission believes, based on local field research, that the Project's impacts to wetlands, including exemplary vernal pools, will be long-term rather than temporary.

In March of 2017, the Deerfield
Conservation Commission visited four varied wetlands sites in Deerfield to evaluate what potential long-term impacts to wetlands could be expected. They found that, one, the construction and use of the proposed access road will create long-term impacts on at least 40 acres across Deerfield, including issues with erosion, soil compaction, altered runoff patterns, increased imperviousness reducing recharge, loss of vegetative cover, increased habitat degradation and the likely spread of invasive species that results from those stressors and construction of towers, poles and wires.

Two, they found that the Applicant's wetlands evaluation only included jurisdictional wetlands within the right-of-way, while impacts will be experienced well beyond the right-of-way. That was definitely a theme throughout the other folks' testimony.

Three, documented steep slope erosion already exists within the right-of-way in Deerfield and has not been restored, and
there are long-term impacts along the river and stream banks that have been documented in other areas of both the Lamprey and Pemigewasset River watersheds.

And then four, they found that uncontrolled secondary access adds to construction and operations and maintenance impacts and has been extensively documented by communities and organizations throughout the corridor.

In general, Ms. Hartnett expressed concerns that the Project will not have appropriate vegetative buffers for wetlands.

From Pembroke, we heard from Ms. Stephanie Verdile, on behalf of the Town of Pembroke. She's the town planner there. She expressed concerns that the Project's structures constructed within the Wetlands Protection District and the Wellhead Protection Area may impact water quality negatively. She explained that there are three wells located within the Project right-of-way. She noted they were acknowledged in Plan Sheets 164 and 165. And
she expressed concerns regarding having industrial construction activities, soil disturbance, slope disturbance, and larger structures within, around and on top of the protected well radii of the water supply for the town of Pembroke.

She also testified that in Plan Sheet 165 it shows a large area of high-value wetlands and hydric soils and that these areas are fragile and that disturbance of these wetland areas negatively affects proper functions to provide flood protection and stormwater filtration.

We also heard from Ms. Amy Heiser from Pembroke. She is the chairman of the conservation commission there. And she has concerns regarding an increase in siltation in brooks, streams and vernal pools due to diversion of roadside streams during the construction phase. Ms. Heiser also further testified her concerns regarding the Project having impact on highly valued wetlands within the town of Pembroke and also expressed specific concern regarding the
crossing of the Soucook River. And she notes that three new pole structures will be installed within the Pembroke Shoreland Protection Zones.

From Concord, we heard from Mr. Rick Van de Poll, on behalf of the City of Concord. Mr. Van de Poll owns and operates Ecosystem Management Consultants, LLC, and is a certified wetlands scientist in New Hampshire. Upon his review of current color infrared aerial photography, Mr. Van de Poll opines that both the temporary and permanent impacts to wetlands in the city of Concord are significantly more than stated by the Applicant in their October 2015 Wetland Permit Application filed with DES.

Mr. Van de Poll also asserted that in the 28 map sheet pairs for the city of Concord, there are a total of 38 errors, representing 71,610 square feet, which is about 1.64 acres, of additional probable wetland impacts. Mr. Van de Poll indicated that his assessment of permanent wetlands impacts includes a number of reduced wetland
functions, including: Wetland-dependent
wildlife habitat, fish and aquatic life
habitat, scenic quality, flood storage,
groundwater recharge, and loss of rare and
endangered species habitat.

He also had some concerns about the
Project's assertion regarding temporary
impacts. He asserted that the 50-ton pieces
of equipment moving over soft hydric soils
will have a permanent compacting effect,
regardless of the protective mats that are
intended to be used. He also purported that
temporary impacts to wetlands associated with
the Project -- strike that.

With respect to the purported temporary
impacts to wetlands associated with the
Project, Mr. Van de Poll opined that the
placement of over 1,100 tons of fill at some
of the 9,000 square-foot temporary
construction pads, combined with regrading,
filling and returning to original condition
of access roads will result in alteration of
water runoff patterns, infiltration rates,
and likely result in much larger impervious
areas than what currently exists.

He also opined that the Applicant's proposed mitigation of wetlands impacts fails to ensure the removal of old towers and construction of new ones to restore wetland functions where they're being directly impacted.

We also heard from Jan McClure and Kristine Tardiff, on half of the City of Concord's Conservation Commission. They testified that, as part of the conservation commission's Open Space Section and master plan, they aim to, among other things, protect and enhance surface and groundwater quality and maximize the potential for use of these water resources as potable water supplies. Ms. McClure and Ms. Tardiff asserted that the proposed Project will impact 35 wetlands, totaling 51.8 acres. The most notable of these is the 15.26 acres of wetlands adjacent to Turtle Pond, which, according to the Application, provides significant functions and values, including like we've already heard, groundwater
discharge and recharge, habitat, flood flow alteration, retention of sediment, nutrient removal, shoreland stabilization, production export and wildlife habitat.

Ms. McClure and Ms. Tardiff assert that the Project will have temporary impacts of more than seven acres within the city of Concord, and they also argued that it is extremely significant and that the conservation commission believes that the work needed to access these areas is likely to cause long-term damage.

Ashland. We heard from the Ashland Water and Sewer Commission who expressed concerns regarding the water quality of their town wells, aquifer and well protection area. Specifically, Ashland Water and Sewer notes that the aquifer in Ashland provides an almost unlimited supply of water, which is key to providing water to the town's residents and businesses and is vital for business development. They argue that any damage that limits the flow would impair the health and welfare of the town.
They also explained that the septage lagoons at wastewater treatment facility construction — were constructed in 1986 and lined with clay. They believe that the lagoons were damaged during dredging in the 1990s but are not fully aware of the extent of the damage and are concerned that construction in areas close to these lagoons and the water testing wells that have been put in around the lagoons might cause some issues.

We heard from the Grafton County Commissioners. They offered testimony through Linda Lauer. Ms. Lauer noted that the Applicant's maps failed to depict certain rivers, streams and wetlands, thereby making assessment of the Project's impact difficult. Additionally, she expressed concerns that burial of portions of the line will impact utilities, including the water and sewer lines in Plymouth. They also have concerns about the effects of blasting and drilling on water quality and wetlands and groundwater.

And Ms. Lauer specifically testified that the
Grafton County Commissioners have serious concerns about the impacts of the construction phase of the Project on private wells, specifically those adjacent to the proposed project route. And she highlighted that the locations of these wells, there's no other alternative town water supply, and so those residents rely on those private wells for their water supply.

Mr. Chairman, I'm about to change gears a little bit. Would now be a good time to --

CHAIRMAN HONIGBERG: Yes, in fact it would.

MS. DANDENEAU: Excellent.

CHAIRMAN HONIGBERG: All right.

We're going to break for lunch. I think we'll come back at... probably be closer to quarter to two.

(Lunch recess taken at 12:24 p.m. and concludes the Morning Session. The hearing continues under separate cover in the transcript noted as Afternoon Session.)
CERTIFICATE

I, Susan J. Robidas, a Licensed Shorthand Court Reporter and Notary Public of the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

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

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)
A

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