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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

August 2, 2017 - 1:25 p.m. DAY 26
49 Donovan Street Afternoon Session ONLY
Concord, NH

{Electronically filed with SEC on 08-18-17}

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

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

Cmsr. Kathryn M. Bailey Public Utilities Comm.
Dir. Craig Wright, Designee Dept. of Environ. Serv.

Christopher Way, DRED NOT PRESENT

William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby Public Member
Rachel (Whitaker) Dandeneau Alternate Public Member

ALSO PRESENT FOR THE SEC:
Michael J. Iacopino, Esq., Counsel to the SEC
(Brennan, Caron, Lenehan & Iacopino)
Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

I N D E X

WITNESS: JAMES CHALMERS

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WITNESS PANEL: CHERILYN WIDELL
 VICTORIA BUNKER

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1 AFTERNOON SESSION

2 (Hearing resumed at 1:25 p.m.)

3 CHAIRMAN HONIGBERG: Mr. Wright,
4 why don't you go next.

5 DIR. WRIGHT: Thank you.

6 QUESTIONS BY DIR. WRIGHT:

7 Q. Good afternoon, Dr. Chalmers. Craig Wright
8 with the Department of Environmental
9 Services. I'm mainly just going to want to
10 follow up on one area you talked this morning
11 with Attorney Manzelli on, and that's on the
12 properties that you visited, your list of 89
13 sites. Can you remind me who provided you
14 with a list of those properties?

15 A. Yeah, the Company provided -- I think I
16 probably made the question initially either
17 to Mr. Bisbee or Mr. Bellis, and then someone
18 within Eversource or one of their sub-- I
19 said, basically, I need a list of every
20 residential unit -- and that wouldn't include
21 anything that Eversource owned -- but, you
22 know, all privately-owned residential units
23 where the home is located within a 100 feet
24 of the right-of-way in the overhead portions

1 of the proposed route.

2 Q. Okay. So you had identified that 100-foot
3 criteria yourself.

4 A. Oh, yes.

5 Q. And do you know how that 100 foot was
6 measured? I think we heard distances can be
7 measured in different ways in terms of
8 residential property?

9 A. Right. That was in the context of McKenna's
10 Purchase, which was a little bit different
11 situation.

12 Yeah, this would have been a takeoff, I
13 presume -- they weren't measured on the
14 ground, I'd be almost positive. They would
15 have been measured from aerial imagery or
16 maps that the Company has. And it would be
17 the closest portion of the attached
18 residential structures. So if it's a corner
19 of a garage, corner of a bedroom that's
20 closest to the right-of-way, it would be the
21 perpendicular distance from that portion of
22 the structure closest to the right-of-way.

23 Q. Okay. So it would have been the closest
24 portion of the inhabited residence --

1 A. Exactly.

2 Q. -- not the center of the house, not the front
3 door or anything crazy like that. Okay.

4 And your list of 89, these are all
5 existing properties within the existing
6 right-of-way from Lancaster south; correct?

7 A. That's correct.

8 Q. Okay. You included nothing in the new
9 right-of-way; is that correct?

10 A. Yeah, there weren't -- I mean, that was
11 eligible. Had there been homes within a 100
12 feet, they would have been included.

13 Q. Okay. So that would have been part of the
14 search, but there are no homes within 100
15 feet within the new right-of-way.

16 A. Correct. Correct.

17 Q. Okay. I just really quickly want to go
18 over -- I know you did -- these are basically
19 you called them "drive-by" or "windshield
20 appraisals"? Is that an accurate statement?

21 A. Okay. You're talking about the appraisals
22 now?

23 Q. No, no. I just want to -- these, I want to
24 focus on these 89. I know these weren't --

1 A. Okay.

2 Q. -- the appraisals --

3 A. So the appraisers --

4 (Court Reporter interrupts.)

5 Q. I just want to focus on these 89, not the
6 appraisal. But these were where you actually
7 went to these physically, you went to these
8 addresses yourself.

9 A. Correct. And we used the term "windshield"
10 in the context of the appraisals, which were
11 something different in the case studies.

12 Q. Correct.

13 A. Okay. This is me working on the implications
14 of the Project and probably giving myself
15 credit that I got out -- I was out of the
16 car. So it wasn't a windshield. It was, you
17 know, on the ground. And I would run up and
18 down the frontage trying to peek around the
19 back of the house, to the extent I could get
20 an angle. And as I indicated, on occasion I
21 would walk -- if I couldn't quite figure it
22 out from the street, I would walk up the
23 right-of-way and look at it from that angle
24 and see if that answered the question.

1 Q. Okay. Because you could not actually
2 physically go on the property themselves.

3 A. Correct.

4 Q. Okay. So you established kind of the current
5 conditions. Was that during -- what time of
6 the year did you do this?

7 A. This would have been done in sort of late
8 spring. It was kind of a transition in terms
9 of foliage, kind of a transition period. It
10 definitely wasn't full foliage, but it wasn't
11 February.

12 Q. Okay. And in terms of evaluating the
13 post-construction situation, you basically
14 had to visualize what was going to happen to
15 that site; is that correct?

16 A. Yeah. It's actually pretty easy because,
17 like I say, in like 50 or maybe even 55 of
18 the cases, I'd give you the exact number, but
19 in the majority of the cases the existing
20 structures are visible. And the new
21 structures are close to the existing
22 structures, and so it was a no-brainer that
23 the proposed structures would be visible. So
24 the number -- the tricky ones were where the

1 existing structures weren't visible -- and
2 there weren't that many of them, but there
3 were a few -- and then would the proposed
4 structures be visible. Would there be a
5 change, essentially. And some of those were
6 pretty straightforward. Others, you know,
7 required some -- you know, an estimate. And,
8 again, it should be pointed out that in no
9 way would I want you to think these are
10 definitive. Somebody else could go out and
11 come up with a different number, plus or
12 minus one or two or three. My real object
13 was to be able to sit in front of you and say
14 it's a small number, it's a dozen or so,
15 could be 14, you know, could be -- I don't
16 know. Could be 15. But in the larger scheme
17 of things, the number of homes that are
18 close, that are going to have a change in
19 visibility, in the larger scheme of things,
20 is a small number.

21 Q. Okay. I'm glad you -- you kind of went where
22 I was going next. And there's obviously a
23 lot to visualize. There's removal of tree
24 buffers, potentially; there's a relocated 115

1 line; there's a new Northern Pass line. So
2 that's a lot to visualize in my mind. Is
3 this a technique you've used before in other
4 situations?

5 A. No, I don't think this particular change
6 in -- right. No, not -- no.

7 Q. So this is not something you've done before,
8 this type of analysis.

9 A. Well, I shouldn't -- the analysis has never
10 proceeded as this because, frankly, in a
11 transmission line case, we've never found an
12 effect. This is the first case -- again, in
13 some of the Montana work we found effects,
14 but in that case, that project never went
15 beyond the research report. So I never
16 opined with respect to the impacts of a
17 project. This is the first project that I've
18 been involved in where I've testified to the
19 existence of effects because, frankly, it's
20 the first project where we've used the case
21 study approach, which is really the tool that
22 gives us the leverage on finding that smaller
23 number of properties where there is an
24 effect. I've done statistical analysis in

1 many cases and simply haven't found an
2 effect. So this is unique in that respect.

3 Q. Okay. So I was just going to ask you next if
4 you had done this before. Had you gone back
5 and done a real-world check after the fact?
6 Obviously you hadn't done that.

7 A. Well, it's a good question. Because here --
8 let's just think about what would be involved
9 here. What I'm saying is there will be a
10 small number of properties that have these
11 special characteristics that, should they be
12 sold, should they go to market, some
13 proportion of those, maybe half, might
14 experience a market value effect. So what
15 you'd have to do is take that group of
16 properties, which I identified as 11, which
17 might be 13 or whatever, and then wait until
18 they're sold 5 years from now, 10 years from
19 now, 15 years from now, and then do case
20 studies on those, do appraisals and
21 interviews and so forth. And what I'm
22 suggesting is that if you did that, I think
23 you might find that maybe half of them have
24 an effect and roughly half of them don't.

1 But that's what you'd have to do. But that's
2 obviously -- I think I'm out of here in 15
3 years, so you'd have to get somebody else to
4 do it.

5 Q. I was wondering more in the lines of could
6 you go back and verify that, yes, this
7 structure which was not previously visible is
8 visible now, or where somewhere you thought
9 maybe there wasn't going be a structure
10 visible, it was in fact visible after the
11 fact.

12 A. No. But it should be pointed out that, if,
13 for instance, that becomes critical as an
14 eligibility criteria for some kind of
15 program, then I think it would be imperative
16 that that be done, in fact. Because mine is
17 a casual -- I don't know. Casual is probably
18 not quite the right word. But it is what it
19 is. But if I were going to want to make a
20 definitive statement with respect to that
21 visibility or change in visibility, then I
22 would want to be on the property, and I would
23 want to see that property in the
24 after-condition. In both. Before-condition,

1 I'd want to document that, and I'd want to
2 see it in the after-condition and document
3 that.

4 Q. I know you've answered this question a couple
5 times, but I'm going to ask it again,
6 anyways.

7 You stated repeatedly, I believe, you
8 find no difference. Once a structure's
9 visible, you don't believe there's a
10 difference whether it's a 55-foot H-frame,
11 wooden structure versus 100-plus-foot steel
12 lattice structure.

13 A. That's one of the central conclusions of the
14 research based on the literature in the first
15 instance. That question has been looked at.
16 I think of the 11 studies that I identified
17 that statistically address this issue, 7 of
18 them explicitly address visibility without
19 proximity, and only 2 of those find an
20 effect, okay, 2 of the 7. And in both cases
21 that visibility effect is associated with
22 either encumbered or adjacent properties, but
23 not with properties that are not. So in
24 other words, there's a visibility effect, but

1 it disappears when you back away from the
2 line.

3 And then our case study evidence,
4 there's such a huge difference between the
5 Phase II corridor in terms of the amount of
6 infrastructure in the corridor and, say, some
7 of the stuff we looked at over in the
8 seacoast area, we just don't see any
9 difference there. And you may be scratching
10 your head a little bit. Maybe that doesn't
11 seem to make sense to you --

12 Q. I do struggle with that concept a little bit.

13 A. Yeah. So I don't know whether it helps.
14 I've got a graphic from this Sanborn Road
15 case that has come up a couple times. There
16 are a couple houses that are right on Sanborn
17 Road. It might be helpful. Would you like
18 me to pull it up?

19 Q. I can -- is it in the record? I can
20 certainly find it.

21 A. It's not in the record.

22 Q. Oh.

23 A. But let me just sort of explain the concept.
24 And the concept is that, right now on Sanborn

1 Road you've got a couple of houses that are
2 right on top of the right-of-way and they
3 have clear views of the existing structures.

4 Q. I'm familiar with that location.

5 A. Okay. So, imagine there are a couple other
6 houses that are in almost all respects
7 identical to those, but not located in that
8 location next to those structures, okay. Not
9 located next to the right-of-way, okay. And
10 they all come on the market at the same time.
11 Those two that are located away from the
12 right-of-way might have a hundred people that
13 have some interest in it, and some fraction
14 of those people actually go visit and walk
15 through the property, all right. Okay.
16 That's the kind of potential buyer pool.
17 Well, what about the otherwise identical
18 properties close to that, that are right on
19 top of the right-of-way? Well, I think that
20 market would thin considerably.

21 Q. So there would be less interested people?

22 A. Yeah. There might be 25 or there might be
23 20. You don't know exactly what that number
24 is. But for certain it would be thin. There

1 would be some people that have absolutely no
2 interest in living in that right-of-way.

3 Okay. Now go down the road three years
4 with Northern Pass constructed, and instead
5 of in that section right now there's a
6 monopole on one side and then the 115 H-frame
7 is in the center of the right-of-way. In the
8 Northern Pass situation, you're going to have
9 the 345 line on the H-frame steel structure
10 in the middle, and you're going to have
11 monopoles now on both sides. You're going to
12 have another 115 -- you're going to have the
13 relocated 115 and the existing 115, okay.
14 You're going to have three structures.

15 Okay. Now, all these four houses go on
16 the market again. Same hundred people. How
17 many people are going to come visit the homes
18 that are on the right-of-way now, in the
19 after-condition with Northern Pass? So, are
20 there people who are going to say, Gee, I
21 would have lived in those houses with just
22 two structures 20 feet from the right-of-way,
23 but with three, I'm really not interested? I
24 don't think so. You know, there obviously

1 could be one or two. But I think in general,
2 about 50 people willing to live next to,
3 right next to a right-of-way with two
4 structures will be willing to live right next
5 to a right-of-way with three structures.

6 Q. So you don't see a cumulative effect, in your
7 opinion.

8 A. Yeah. Now, a huge effect for somebody living
9 there -- I don't know about a huge effect,
10 but they'll definitely notice the change. If
11 the structures go from 60 to 90 or go from 2
12 to 3, if you're living right there, you're
13 going to notice the change. But the question
14 is: Does the market, which isn't making a
15 before and after comparison -- the market is
16 just saying do I want to live next to a
17 corridor with either two structures or three
18 structures or 70-foot or 60 feet -- I think
19 in general, the market sorts out on either
20 you're willing to accept a transmission line
21 corridor for whatever reason --

22 Q. Or you're not.

23 A. -- and it's largely independent of what's in
24 it. That's what our research shows, and

1 that's kind of what common sense leads me to
2 conclude.

3 Q. Okay. In your table of 89 homes, you
4 identified 11 where you said, yes, there was
5 a change.

6 A. Correct.

7 Q. And you're feeling those properties would
8 have an impact to their property values --

9 A. Right.

10 Q. -- if they were sold today --

11 A. Right.

12 Q. -- or after the --

13 A. Right.

14 Q. In some cases you went from there was no
15 visibility or none to partial, in some cases
16 you went from none to clearly, and some cases
17 you went partial to clearly.

18 A. Right.

19 Q. Is the impact equal across all those
20 different scenarios, or is the impact bigger
21 if you went from none to clearly?

22 A. I'm not sure.

23 Q. Because you had estimated -- what is the
24 potential impact? What's the percent impact

1 to these properties? Is it the 1 to
2 6 percent that you cited earlier in your
3 testimony?

4 A. Well, the 1 to 6 percent is what the
5 statistical literature tells us --

6 Q. Okay.

7 A. -- which probably is a pretty good indicator
8 here. The appraisal evidence in the case
9 studies is a little broader than that. It
10 goes from one to, I think there's one that's
11 as large as 17. But you'd have to take a
12 really hard look at that appraisal before you
13 came to that conclusion. I'm not at all sure
14 that that would be supported. So, you know,
15 I would think they would be in the range of
16 one to six.

17 Q. Okay. Thank you.

18 CHAIRMAN HONIGBERG: Ms.
19 Dandeneau.

20 QUESTIONS BY MS. DANDENEAU:

21 Q. Hello, Dr. Chalmers. My name is Rachel
22 Dandeneau. I'm one of the public members of
23 the Committee. I have a few clarification
24 questions, including a little bit more

1 clarification on a couple of the answers that
2 you gave to Mr. Craig [sic].

3 You were talking about thresholds for
4 distances from the right-of-way to people's
5 homes. And I was curious if the same answer
6 applies to a section of your report which
7 I'll read. It's Section 2.2.1 on Page 8, and
8 you're talking about the impacts of HVTL on
9 property values. And you wrote, and I quote,
10 "Where they are found, they tend to decrease
11 rapidly with distance from the HVTL. They
12 are usually small, very small, beyond
13 200 feet, and seldom extend beyond 500 feet
14 from the HVTL."

15 Is this also in context of those
16 distances from people's homes, or is it
17 property boundaries?

18 A. Good question. A, that's summarizing the
19 literature, not summarizing the New Hampshire
20 specific research; right?

21 Q. Okay. Yup, I believe it was.

22 A. Yeah. No, that's important.

23 Q. Yup. Sure.

24 A. And you really have to look at every -- at

1 each of those statistical studies. So a
2 general statement like that, boy, it's hard
3 because they're measured in -- some of them
4 use the centroid, some them use a property
5 boundary, and some of them use the homes. So
6 you just have to sort of bear that in mind
7 that that's an approximation. I think most
8 of those studies are in fairly urbanized or
9 suburbanized environments. So we're talking
10 pretty small lots. So you don't get the kind
11 of dispersion that we did in the North
12 Country where the lot is encumbered, but the
13 house is 1,000 feet away.

14 Q. Okay.

15 A. So it's probably not quite as big a problem
16 in the statistical literature because we're
17 generally dealing with small lots.

18 Q. Okay. All right. Thank you.

19 In Section 2.2 of your report, on
20 Page 6, you used the phrase "improved
21 residential properties." Do you recall that
22 phrase?

23 A. Sure.

24 Q. What do you mean by that phrase?

1 A. I'm just distinguishing between a lot or raw
2 land, and then an improved property would be
3 one where something's been built on it.

4 Q. Okay.

5 A. On the tax card there's a section titled
6 "Improvements."

7 Q. Okay. Perfect.

8 When you were being questioned by Mr.
9 Pappas, did I hear you say, did I hear
10 correctly, that you said there was no good
11 reason to evaluate properties that had a view
12 of a high-voltage transmission line?

13 A. No, that doesn't make much sense.

14 Q. Okay. Do you know of research that has been
15 done that evaluates properties that have
16 views of high-voltage transmission lines and
17 if they're impacted?

18 A. Well, my research of the properties that were
19 removed from the -- well, that were greater
20 than a 100 feet --

21 Q. Yup.

22 A. -- of the case studies that where the homes
23 were more than 100 feet, 25 of those -- there
24 are a total of 37 -- and 25 of those have a

1 clear or partial view of the existing
2 transmission lines. So they're view
3 properties, essentially. They're set back,
4 some of them 800 feet, 900 feet, 1,000 feet.

5 Q. Can I ask a clarification question there? So
6 the property boundaries themselves are
7 removed from the right-of-way, or the houses
8 are removed?

9 A. It's all based on -- the relevant measure, in
10 my view, is the house distance.

11 Q. Okay.

12 A. Because, yeah, I mean, it's -- that's the
13 point of reference. So these are view
14 houses; right?

15 Q. Okay.

16 A. These are houses from which the lines can be
17 seen at a distance. And in those 25 cases,
18 there's only a single one in which we found a
19 sale price effect, and that's the property at
20 106 feet. So, essentially, 1 out of 25, and
21 that one is, for all practical purposes,
22 within that 100-foot boundary.

23 Q. Okay. We've had some focus on the word
24 "significant" in some of the questioning

1 today, and yesterday I believe also. I have
2 a biology background, and in virtually all of
3 the scientific literature and reporting that
4 I've been exposed to, whenever the term
5 "significant" is used, often particular
6 statistical analysis values are given. For
7 example, in a regression analysis, a P value
8 and an R squared value would be given if
9 something was stated as being statistically
10 significant. And so I was curious, because
11 I'm not familiar with the type of analysis
12 that you've done, other than it's a multiple
13 regression; is that correct?

14 A. Well, the only statistical analysis for
15 which -- in the context of the New Hampshire
16 studies would be the work that we did on
17 McKenna's Purchase. And there we could make
18 statements about results, and we could attach
19 unambiguous statements of significance to
20 those, okay, that we could say significant at
21 the 5 percent level or the 2 percent level.

22 The McKenna's Purchase results,
23 incidentally, are significant probably at
24 the -- I'd have to look for sure. But

1 they're very highly significant. And I'm
2 quite sure they'd be significant at the
3 1 percent level. But the market activity
4 research, the MLS data, the subdivision
5 studies and the case studies, none of them
6 are statistical. And so the concept of
7 statistical significance simply doesn't
8 apply.

9 Q. Okay. Actually, I think you were getting at
10 the meat of what I'm looking for here, just
11 talking about McKenna's Purchase, using those
12 percentages that you just mentioned.

13 Can you explain to me, because in terms
14 of those percentages, I don't recall seeing
15 like a P value, for example. Can you explain
16 to me in a little more detail what those
17 percentage values mean in terms of
18 statistical significance? When you say it's
19 1 percent statistically significant, I'm not
20 familiar with what that means.

21 A. Okay. I'm sorry. What that means, in
22 statistics, you're never talking about the
23 probability or certainty that something did
24 happen. You're talking about the probability

1 that it happened by chance. You're rejecting
2 the "null" hypothesis, that there's no
3 effect. You never confirm that there is
4 effect. You just say I can confirm the fact
5 that I can reject the hypothesis that there
6 is not an effect, okay.

7 And the overall significance of the
8 McKenna's Purchase stuff doesn't even -- is
9 at such a high level, the probability that my
10 conclusions are incorrect here, okay, is so
11 small that it doesn't even show up. I've got
12 six zeros associated with the F statistic,
13 which measures the overall reliability. So
14 it says that I'm virtually certain that
15 there's no effect of distance of the unit --
16 no statistically significant effect of
17 distance of the unit from the transmission
18 line on the sales price.

19 Q. All right. Thank you. I appreciate that.

20 A. Does that help?

21 Q. That does help, yeah. Thank you.

22 I have another question regarding the
23 view of structures. When Ms. Lee was
24 questioning you about seeing existing towers

1 from places that were not her actual house on
2 her property, she was even referring to
3 places that were technically off of her
4 property, you mentioned that you don't
5 account for visibility of structures from an
6 access point such as Ms. Lee was referencing,
7 and only from a person's property, and
8 specifically from their house.

9 As part of, or anywhere in your
10 analysis, did you do any sort of accounting
11 for view of the towers on people's property
12 away from their actual home? And I'll give
13 you an example here, because I think of the
14 home as being the place where you're going to
15 spend virtually the most time on your
16 property. But what about a farm, where
17 somebody has, say, an apple orchard or their
18 barn or they're doing chores two or three
19 times a day? So they're spending a good
20 chunk of time in other locations on their
21 property and it's not their house.

22 Is there any part of your analysis that
23 took into account the view of structures from
24 those potentially other locations on the

1 property?

2 A. No, we're pretty restricted in our ability to
3 do that, not being able to get on the
4 property.

5 Q. Okay.

6 A. And in order for any of this stuff to be
7 meaningful, it's got to be -- you have to be
8 able to operationalize it in the field. You
9 have to be able to tell people what to do and
10 how to do it. And you just get in a lot of
11 trouble the more complicated you make it.

12 I have done statistical work where we
13 did in fact count number of structures
14 visible, and we never got any statistically
15 significant results on that. We actually did
16 that in the work we did in Connecticut and
17 South Central Massachusetts some time ago.
18 But I did not ask our people in the field to
19 try to characterize that broader sense of
20 visibility. I just focused on the most
21 visible structure and tell us how visible it
22 is, and then we'll see what we can learn from
23 that.

24 Q. Okay. I think that actually leads perfectly

1 to my next question. I think Mr. Craig had
2 talked about this a little bit also.

3 You used the term "windshield analysis"
4 or "eyeballing" a view of something -- not
5 something, of the potential structures. As
6 part of that sort of "eyeballing" process,
7 did you try to evaluate distance, like either
8 from the home to the structure or from where
9 you were on the road to the structure?

10 A. That was all done on all the distance
11 calculations to the most visible structure.
12 We would identify where is the most visible
13 structure, but then we'd mark that on a map
14 and then we'd scale it off of aerial imagery.

15 Q. Okay. All right. And that's all I have.
16 Thank you very much.

17 CHAIRMAN HONIGBERG: Ms.
18 Weathersby.

19 QUESTIONS BY MS. WEATHERSBY:

20 Q. Good afternoon, Dr. Chalmers.

21 A. Good afternoon.

22 Q. I'm Patricia Weathersby. I'm also a public
23 member of the Committee, and I have a number
24 of questions. And I'm probably going to go

1 over some ground already covered, and I
2 apologize. I'm just trying to fully
3 understand your testimony and some of the
4 questions that have been asked of you.

5 As I understand your research, it was
6 really sort of in four parts. There was a
7 literature review, the case studies, the
8 subdivision studies and then the MLS market
9 analysis; is that correct?

10 A. Correct.

11 Q. Okay. And your general conclusion was that
12 there was no measurable effect on the
13 property values as a result of the presence
14 of a high-voltage transmission line. But
15 where there were effects, the effects were
16 small and decreased with distance. Or could
17 you --

18 A. You've got three different things going
19 there.

20 Q. Okay.

21 A. The last part of what you just summarized was
22 a summary of the literature.

23 Q. Okay.

24 A. Okay? That small decrease with distance

1 sometimes attenuate over time.

2 The other two conclusions, there's a
3 global conclusion as it relates to local
4 regional real estate markets, which was more
5 akin -- which was developed with some
6 knowledge of and in reference to the kind of
7 general notion of orderly development. Are
8 there regional effects? Are there effects on
9 local markets? Not are there not effects on
10 individual properties, but are there market
11 effects on either a local or regional basis?
12 And on that I concluded there were not. But
13 with respect to individual properties, I very
14 clearly concluded that there is a category of
15 properties which could well be affected by
16 the Project. So we've got three sets of
17 conclusions there.

18 Q. Okay. And the properties that would be
19 affected were those that were within a 100
20 feet of the right-of-way and had a changed
21 view of a tower structure.

22 A. Correct. That you can be close, but if
23 you're well screened, can't see it, you don't
24 seem to find an effect. But if you can see

1 it, you do seem to find an effect about half
2 the time. So if the Project resulted in some
3 properties having visibility of structures,
4 then we'd expect their chances of effects
5 would go up.

6 Q. Okay. Thank you.

7 Going down a little deeper here then.
8 Regarding the case studies, we've talked a
9 lot about arm's length and that you feel as
10 though you adequately screened for
11 transactions that went to renewable
12 properties or other entities of Northern
13 Pass.

14 A. Yes.

15 Q. And were you aware that Northern Pass used a
16 company called Quanta and various other LLCs
17 underneath Quanta? There were other entities
18 that were working on behalf of the Project to
19 acquire properties. And were you made aware
20 of those entities, and did you screen for
21 that?

22 A. I don't have any list of those. I've never
23 been made aware of that. On the list of 89
24 properties, when we went out and looked at

1 those, those had all been -- any
2 company-owned properties had been eliminated
3 from that. Because the Company did it, I
4 didn't have the knowledge base to do that,
5 but they did.

6 The case studies, that screen was never
7 explicitly applied by us because, again, we
8 didn't have any knowledge. But the
9 buyers/sellers were looked at, and if there
10 was a corporate -- typically if there was a
11 corporate entity, I mean, ordinarily we would
12 expect that to imply it was a bank or a
13 mortgage company, you know, and we'd
14 eliminate that as a foreclosure or whatever.
15 So we got some perspective on that. What I
16 guess I'm saying, I guess, I don't remember
17 any of those names that you just mentioned.

18 Q. Okay. And then you studied -- I think you
19 testified just a moment ago, in response to
20 Ms. Dandeneau's question, that there were
21 properties beyond the 100-foot radius. I
22 think you said 37 properties that you studied
23 and you found one with a sales effect? Were
24 those 37 part of the 89 case studies? I'm

1 mixing up the different categories of
2 research which were -- the 37 properties were
3 beyond the 100 feet were part of which
4 analysis?

5 A. Okay. And I get confused on the numbers,
6 too.

7 So the case studies are part of the
8 research report, okay, and there are 58 of
9 those. And when we were talking about the
10 37, that's a tabulation of the case study
11 results. And out of the analysis of the case
12 study results came the finding that, by and
13 large, the properties that had an effect were
14 within a 100 feet and had either partial or
15 clear visibility, right. So that was the
16 result of the research. Didn't have anything
17 to do with Northern Pass, okay. The 100 feet
18 wasn't imposed by the research. The 100 feet
19 was a result of the research. That 10 -- I'm
20 sorry -- that 9 out of the 10 were within 100
21 feet, and the other one was 106 feet, okay.
22 So that was a result of the research. On
23 that basis, then I asked the Company, I'm now
24 going to look at the effects of the Project,

1 so I want to know how many properties are
2 there for which the homes are within a 100
3 feet. I'm now applying what I learned from
4 the case study research to the Project. And
5 they then gave me the list of 89 properties,
6 okay. And then out of those, it was my
7 estimate that 11 are not only close, but they
8 will have a -- they will go from having
9 either no or partial visibility to having
10 partial or clear visibility.

11 Q. So your initial pool was the 58 properties,
12 37 of which were beyond 100 feet.

13 A. The homes were beyond 100 feet, correct.

14 Q. From the edge of the right-of-way. And of
15 those 37 that were beyond 100 feet, only one
16 showed a market impact as a result of being
17 close to the right-of-way.

18 A. Exactly.

19 Q. Okay. Thank you. And then based on that,
20 you got the list -- you requested the list of
21 properties within 100 feet.

22 A. That became the basis, then, for assessing
23 the impacts of the Project.

24 Q. Okay. And with those 89 case studies --

1 A. They're not case studies.

2 Q. Sorry. The list of 89.

3 A. Right.

4 Q. How many case studies were there?

5 A. Fifty-eight.

6 Q. Fifty-eight. Okay.

7 So the 58 properties were the ones you
8 went out and talked to the -- you visited the
9 property, you followed up with the listing
10 broker. That was that whole analysis that
11 Mr. Underwood's company helped you with;
12 correct?

13 A. Correct.

14 Q. So part of that was talking to the listing
15 broker, and that was to understand if the
16 transmission corridor had any effect on the
17 buyer's decision to purchase the property?

18 A. Well, I mean, fundamentally it came down to
19 any effect on sale price or marketing time,
20 okay. You know, was the price that
21 ultimately was arrived at in that transaction
22 influenced by the HVTL? Was the marketing
23 time influenced by the HVTL?

24 Q. Okay. And then those properties were also

1 the ones which you did the view change
2 analysis, partial to full. No?

3 A. No.

4 Q. Which properties were those?

5 A. Okay. So, one more time. So that's the
6 research, right.

7 Q. That was the 58.

8 A. Okay. So we go do the 58 case studies. And
9 when we got done with that -- and we have no
10 idea what we're going to find, right. I
11 don't have the foggiest notion. We've been
12 working on this for a year and a half, no
13 idea what we're going to find. Finally,
14 close to June of 2015, I'm able to tabulate
15 it up. And I must say, somewhat to my
16 surprise, I find that the only cases where we
17 found an effect were, for all practical
18 purposes, within 100 feet, and all but one
19 had clear visibility. So here are two
20 attributes of these properties. And if you
21 don't -- if you're not within 100 feet or if
22 you don't have clear visibility, we don't
23 find an effect. Okay?

24 So on that basis, then, I said, okay,

1 then I think I understand the Project isn't
2 going to change the distance of any house,
3 and the Project isn't going to change
4 encumbrance, but the Project could change
5 visibility. And if it did, and the house was
6 close, then our research would indicate that
7 the probability of effect would be -- you
8 know, might go up substantially. It might go
9 up essentially from zero to 50 percent.
10 Okay? So it's two stages using the results
11 of the first stage to motivate the impact
12 analysis.

13 Q. Okay. I got it.

14 And I think you testified when you went
15 out to the properties, you tried to determine
16 the view from the house; correct?

17 A. Yeah, the attempt was to assess whether --
18 the definition that I used was if you walked
19 around the perimeter of the house, at any
20 point in making that circumference would you
21 have an unobstructed view of the structure,
22 or would you be able to see a structure, and
23 if so, what kind of view would you have?

24 Q. So it was done from ground level, regardless

1 of whether the property may have been one,
2 two, three stories. It was --

3 A. Yeah, it's not from in the house because, you
4 know, I didn't have any basis to -- now, some
5 of the case studies asked the brokers whether
6 it could be seen from in the house, and
7 that's recorded in the case studies.

8 Q. But your --

9 A. But the visibility analysis that I did
10 subsequently was from the exterior of the
11 house, ground level.

12 Q. So it's possible that the homeowner, looking
13 out their second-story bedroom window, may
14 have a more expansive view than what you
15 considered at that ground level from the
16 road.

17 A. That's right.

18 Q. Okay. I think most of my questions have
19 already been asked and answered, but one of
20 the questions I had was concerning your
21 assertion that only the tower structure would
22 change -- the change in the view of the tower
23 structure would change the -- the change in
24 the view of a tower structure would change

1 the market value of a property. And so if
2 you saw only wires and separators, I think
3 we've already established that wouldn't
4 affect the value. But what about -- first,
5 do you have any research, or what is that
6 based on?

7 A. It's really an operational consideration.
8 Just a pragmatic consideration that, you
9 know, if there was some way to combine
10 conductor visibility with structure
11 visibility in a sensible and reliable way.
12 And we actually kind of started out thinking
13 maybe that was possible; although, I never
14 actually thought it was going to be possible.
15 But there were some people who wanted to try
16 it. But I think it's just too -- you're
17 trying to see if conductors are visible
18 through the trees, and it's just -- we just
19 couldn't come up with any operational way of
20 doing it that made sense.

21 And so we're using structure visibility
22 to some extent as a proxy for how intrusive
23 the corridor is -- the line is on the
24 property, I think as a practical matter. And

1 I think it probably includes some of the
2 impact of conductors. There may be a rare
3 case where you've got conductors that are --
4 sorry -- you've got structures that are
5 totally out of sight and you're at the
6 midpoint between them and maybe the lines are
7 somewhat intrusive, the conductors are
8 somewhat intrusive, but you can't see
9 structures. But I think that would be fairly
10 rare.

11 Q. What about analysis concerning not just
12 high-voltage transmission line corridors, but
13 transition stations, substations, converter
14 stations? Clearly, large infrastructure for
15 a transmission line. Did you do any analysis
16 of properties located within a reasonable
17 proximity to those types of facilities?

18 A. I don't believe we had any that were
19 proximate to those locations. Well, the case
20 studies would have to have been located
21 proximate to existing substations. I'd have
22 to look at some of those schematics. But I'm
23 virtually certain there are none that are
24 very close to substations or existing

1 transition apparatus.

2 Q. Did you look at each of the transition
3 stations and substations for this project
4 and --

5 A. Well, now we're into the --

6 (Court Reporter interrupts.)

7 Q. -- whether there were residential properties
8 nearby?

9 A. So there's nothing in the case study research
10 that addresses that. In the impact analysis,
11 I would think some of the same principles
12 would apply, that if there's a change in
13 visibility, if you have a house that's very
14 close to a situation right now in which there
15 is no transition station visible, but it's
16 going to be 50 feet from a transition station
17 that becomes visible, then I would think the
18 probability of effect would go up
19 significantly.

20 Q. Do you think the effect on market value, if
21 you can -- now I'm asking for speculation.
22 But in your opinion, would proximity to a
23 transition station be more impactful to the
24 market value than a 100-foot tower? You

1 know, is there a correlation between the
2 amount of infrastructure and the effect on
3 value?

4 A. Well, I think, as I said a few minutes ago,
5 kind of surprisingly, there doesn't appear to
6 be a significant effect. You know, again,
7 our Phase II corridor results are very
8 similar to our Phase I -- to our Corridor 2
9 results, to our seacoast results, and they
10 have very different levels of infrastructure.
11 So I don't have any evidence specific to
12 substations. But our evidence so far is that
13 it's really adjacency to the infrastructure
14 in general, not to the amount of it.

15 Q. Okay. So that's kind of the same analysis in
16 reaching your conclusion, that if there's one
17 pole -- one tower or six towers visible from
18 a property, it really doesn't matter; it's
19 just the fact that they're present.

20 A. Yeah. Again, obviously it could matter for
21 one or two people. But I think in general
22 there will be a certain segment of the buyer
23 pool that won't consider it. But I think
24 once they will consider it, it's not clear to

1 me that it's going to make a difference
2 whether it's one or two towers that are in
3 the right-of-way, or one or two or three
4 towers in the right-of-way, or whether it's
5 70-foot towers versus 50 or 90 versus 70.

6 Q. So, no difference number of towers, no
7 difference in height of towers, no difference
8 where on the right-of-way they're located.
9 It all depends on whether there's clear
10 visibility or a visibility change from none
11 to partial, partial to clear, or none to
12 clear.

13 A. Right. It depends on proximity and
14 visibility. If they can't see any of it, it
15 doesn't matter what's out there. If they can
16 see some of it, then it doesn't matter
17 whether they can see a little bit of it or a
18 lot of it. As long as it's clear that you're
19 very close to and have unobstructed views of
20 transmission line corridors, then someone
21 coming to that property to buy it immediately
22 knows, oh, that's the house next to the power
23 lines. And I don't think they're going to
24 know what the voltage is. I don't think

1 they're going to say, That's the house next
2 to the two power lines. Oh, no, that's the
3 house next to the three power lines. I think
4 it's going to be the house next to the power
5 lines. And some people wouldn't consider
6 that, but I think other people would. And I
7 know they would because houses sell. And I
8 don't think there would be a sensitivity in
9 that buyer pool to the one versus two versus
10 three thing.

11 Q. Okay. The list of properties that you asked
12 Northern Pass for requested single-family
13 homes within a 100 feet of the right-of-way.
14 And you didn't include other types of
15 residential units because I think you
16 testified -- am I correct in understanding
17 you didn't include other types of units
18 because you felt that single-family homes
19 would be the best indicator of the market?

20 A. The most sensitive.

21 Q. The most sensitive?

22 A. The most sensitive housing segment. And you
23 certainly would start there.

24 Q. And why is that?

1 A. Simply because as density increases, you
2 know, as you go to attached housing, issues
3 of affordability, efficiency of smaller-space
4 units, you know, if you're really interested
5 in rural New Hampshire or in the longer
6 views, you don't buy a condo at McKenna's
7 Purchase. I mean, your views at McKenna's
8 Purchase are, you know, of garage doors. But
9 that's very functional; right? I mean, that
10 kind of a high-density urban project has a
11 definite market, and those are people looking
12 for affordability, location, convenience,
13 smaller, efficient space. But if you're
14 really into aesthetics and views, you're more
15 likely to be on the larger lots,
16 single-family home. So that's where we would
17 expect to find, the first place we'd find
18 sensitivity. Now, if we found a lot of it
19 or -- you know, that might then lead you to
20 look at other things. But that's where you'd
21 start. And the literature I would say
22 exclusively addresses single-family, detached
23 homes.

24 Q. So, no manufactured housing, no condos, no

1 mobile homes were included, even though those
2 properties may have been within 100 feet of
3 the right-of-way?

4 A. No. When I say single-family detached, I
5 would include modulars. I would not include
6 trailer parks, okay, transitory. But there
7 are at a least a couple of our case studies
8 and subdivision studies actually are of
9 modular developments. But they're subdivided
10 lots that are owned in fee and have a
11 modular, in some cases, nice modular unit on
12 it.

13 Q. One of your conclusions from your studies
14 was, I believe, that while there are some
15 properties where the fair market value of
16 them may be affected by Northern Pass
17 Transmission Project, there really aren't
18 enough properties -- I think you found 11 --
19 to have a discernible effect on the regional
20 or local markets; is that correct?

21 A. Yes.

22 Q. How did you define the regional market?

23 A. Well, I'm not really familiar enough with the
24 New Hampshire market to talk to you about

1 that in any -- with any precision. I would
2 think the local market, at least in the
3 smaller -- in the more rural areas, it would
4 essentially be defined on a town-by-town
5 basis. You'd have educational similarity and
6 tax similarity and so forth. You get into
7 Concord, and then there are going to be some
8 submarkets that would be defined as the local
9 market. The regional market might be Concord
10 in the aggregate, okay. Might be the Concord
11 metropolitan area or the city. Or sometimes
12 people, you know, might think of a regional
13 market as the seacoast area. Might be
14 Portsmouth, but five or six or seven
15 surrounding towns. But it really -- A, it
16 depends a little bit on what the objective of
17 the definition is, what you're trying to
18 accomplish.

19 But what I'm really saying is that, even
20 at the smallest level, which would be the
21 town, I would think, particularly some of the
22 smaller towns, you wouldn't have enough of an
23 effect for you to be able to look at the
24 town's statistics and see any impact of the

1 Project. Could well be an impact on one or
2 two or three property owners, which would be
3 significant to them, but there wouldn't be
4 any -- you wouldn't be able to look at that
5 data and detect, oh, here's where Northern
6 Pass was built because I see a blip.

7 Q. Do you have the data on a town-by-town basis
8 or region?

9 A. Yeah, we looked -- we did some town-by-town
10 analysis. The marketability -- the market
11 activity analysis. The question that's sort
12 of been raised is does the prospect of the
13 Project somehow chill the market for the
14 towns through which, or for the properties at
15 least close to the right-of-way? And so we
16 looked at every town through which the
17 proposed route passes, and we looked at every
18 sale within a mile of the route in those 30
19 or so, 31 towns, and then we divided those
20 properties up into those properties that were
21 either encumbered or adjacent -- Category I,
22 1-foot to 500 feet, 500 feet to a mile -- and
23 tried to see if there was any systematic
24 effect in terms of either days on market or

1 sale price to list price ratios that
2 distinguish the encumbered or adjacent
3 properties relative to the proximate
4 properties, relative to the 500 feet to a
5 mile, and there was no difference in market
6 resistance associated with those three
7 distance categories. So there doesn't appear
8 to be any systematic effect of the proposal
9 of the project on the market in the 31 towns.
10 That was, I think, the only town-specific
11 analysis that we were involved in.

12 Q. And from that you extrapolate that there will
13 be no effect on regional markets, even though
14 you're not quite sure what the boundaries of
15 the region are.

16 A. Well, the conclusion with respect to local
17 and regional markets is simply a function of
18 the number of the properties likely to be
19 affected. There's only a handful of
20 properties, and a handful of properties can't
21 affect local and regional markets.

22 Q. I'm going to change subjects here for just a
23 second to talk about something that I don't
24 think anyone else has talked about, and that

1 is the Northern Pass Transmission Project
2 Guaranty Program.

3 A. Okay.

4 Q. Are you familiar with what I mean when I say
5 that?

6 A. Yes.

7 Q. What, in your view, is that program?

8 A. Well, as it was described by Mr. Quinlan,
9 it's based on my research. The eligibility
10 criteria for that are based on my research,
11 which indicated that there's a certain group
12 of properties that have certain
13 characteristics, in terms of proximity,
14 visibility and encumbrance, and that if
15 properties had those characteristics, they
16 would be eligible for the program. There
17 would be an opt-out provision if they weren't
18 interested. If they didn't opt out and had
19 occasion to sell their property in some
20 specified period of time subsequent to
21 construction of the Project, they would
22 have -- and I suppose suspected that they got
23 less for their property when they sold it
24 than they would have had Northern Pass not

1 been built, they would have the option of
2 retaining an appraiser who would appraise the
3 property, as we did in our case studies,
4 using comparable sales not affected by HVTL.
5 And if there was a discrepancy between the
6 value, the appraised value absent the
7 influence of the Northern Pass corridor, the
8 Company would compensate the landowner for
9 the difference.

10 Q. So I want to go through the eligibility
11 requirements for that, which as you indicated
12 were based on your research, I believe.

13 MR. WEATHERSBY: And this, for
14 anyone who would like to look, it's attached to
15 Mr. Quinlan's supplemental testimony. It's
16 Attachment L to his March 24, 2017 testimony.
17 I can't pull it up, but I'll read --

18 A. I've got a copy.

19 BY MS. WEATHERSBY:

20 Q. You got it. So the first one, to be an
21 eligible property it has to meet three
22 criteria. The first is that the property is
23 encumbered by the right-of-way easement. I
24 understood from what you testified here that

1 you found the property had to either be
2 encumbered or abut the right-of-way; isn't
3 that correct?

4 A. You're confusing two things. All of the
5 properties that we studied, our case study,
6 our 58 properties, we began by selecting
7 those from the pool that we thought would be
8 most sensitive to impacts. No sense going
9 out a mile or two and looking at stuff that
10 doesn't have any chance of being affected,
11 but start with the most affected. Therefore,
12 we started with encumbered and adjacent
13 properties, and the result of that was every
14 property that we -- where we found an impact
15 was encumbered, okay. So that's then the
16 basis for this criteria. The properties for
17 which we found an effect were encumbered,
18 were all encumbered.

19 Q. Those 11 properties that you identified.

20 A. Ten. The 11 is --

21 Q. Ten.

22 A. -- the other thing.

23 Q. Okay.

24 A. I apologize to --

1 Q. But another of your analyses, you did find
2 properties that you thought had a market
3 effect based on a high-voltage transmission
4 line that were not encumbered but were
5 adjacent to.

6 A. Okay. We're going to get confused again
7 here. These criteria have nothing to do with
8 Northern Pass.

9 Q. Isn't your opinion --

10 A. These criteria are based on the results of
11 the research report, okay. Sorry, but it's
12 real easy to confuse these two things, the 89
13 properties and the 58 case studies --

14 Q. Let me just make it easy for you. Is it your
15 opinion that a property that is not
16 encumbered by but adjacent to a right-of-way,
17 may have a structure close by, a
18 single-family home, may have a market effect
19 based on the development of a high-voltage
20 transmission line --

21 A. That's not what we found in the case studies.

22 Q. Did any of your research from the various --
23 fine. It did not.

24 A. There's no evidence to that effect.

1 Q. Second criteria is that the property is
2 improved with a single-family home and some
3 portion of the home is located within 100
4 feet of the right-of-way boundary. Again,
5 we're at the single-family home analysis.
6 That seems to exclude things that you also
7 studied, and included like manufactured
8 homes, mobile homes --

9 A. When I use that term, I'm including modulars.

10 Q. So it's your opinion, then, that Northern
11 Pass, the Applicant, intended single-family
12 homes to include modular homes, you know, not
13 travel trailers, but stationary, manufactured
14 homes, mobile homes?

15 A. Yeah, that -- I don't know that I've made
16 that definition explicit, nor am I confident
17 that they have. So that might need to be
18 clarified. But I presume they're using
19 the -- since this is based on our research
20 and the research report, I think it's a fair
21 assumption that they would be including the
22 same things I included, which is
23 single-family detached, including modulars.

24 Q. But it would exclude, say, a two-family home

1 or a bed and breakfast, another place where
2 people reside permanently or temporarily, but
3 was not a single-family home.

4 A. That would be my understanding. That might
5 need to be clarified, but that would be my
6 understanding.

7 Q. Couldn't those type of properties also be
8 affected if --

9 A. Could, but we simply don't have evidence from
10 our case study research to support that.

11 Q. And then there's the 100-foot right-of-way
12 boundary limitation. Didn't you find that
13 there was at least one property that was 106
14 feet away --

15 A. I did.

16 Q. -- that had an effect? Do you think that
17 that 100 feet perhaps needs to be extended?

18 A. I don't know. The research is what it is.
19 The average was 33 feet. So I think 100 feet
20 is fair. But I can see that some case could
21 be made for 106 if you're going to simply
22 interpret the research literally.

23 Q. Well, the purpose of this, isn't it, is to
24 compensate those that have -- I mean, are

1 proven. They have to go prove that their
2 property was affected by the Northern Pass
3 Transmission Project. So don't you want to
4 give -- wouldn't the Applicant want to give
5 as many, of course within reason, as many
6 property owners the opportunity to
7 participate in that evidentiary process?

8 A. Well, I think as many -- I mean, the critical
9 thing for a program like this is that the
10 eligibility criteria have some definitional
11 basis. They have to be rooted in something,
12 right. And it seems to me that the only
13 thing you can really root it in is empirical
14 data of some sort. And the data that we have
15 here are basically the case study results.
16 Now, I think your point with respect to 100
17 or 106 is a decision that the Subcommittee
18 could make. I can understand why you might
19 put 100. I often talk in terms -- well,
20 actually, I acted on the basis of 100, right,
21 in the request that I made for that reason.
22 You know, I could have asked for all homes
23 within 106 feet, I guess. But I thought,
24 given the distribution of the results, 100

1 was easier. But it's critical that these
2 eligibility criteria seems to be rooted in
3 the research. And we just don't have
4 anything -- so, to get to your point, we
5 don't have anything on bed and breakfasts or
6 lodges or trailer parks or condos.

7 Q. So it sounds like this program is just for 11
8 properties then.

9 A. Well, be for any properties that meet these
10 criteria. But it's a small number.

11 Q. And you've analyzed this, and you found it
12 only meets 11 properties.

13 A. That's my -- yeah, that's the order of
14 magnitude.

15 Q. Another criteria is, of course, the
16 visibility change as we've already discussed.

17 And then the sale of the home. This is
18 for people who are trying to sell their
19 homes. And the sale has to be within five
20 years. I believe you've testified today that
21 there's no consensus on the duration of the
22 market effects of the Project. And I think
23 these are your words, that certainly it
24 doesn't end in four years, and that Phase II

1 research suggests there's still an effect of
2 high-voltage transmission lines on market
3 values encumbering -- of encumbered or
4 abutting properties. So do you believe that
5 market value of a property may still be
6 affected five years after the Project is
7 complete?

8 A. Yes.

9 Q. Do you think that that five-year restriction
10 should be in this property guaranty, property
11 value guaranty?

12 A. I really don't have any basis to opine with
13 respect to the time limit on it.

14 Q. Well, didn't you say earlier that, I think 10
15 out of the 58 cases there was still -- there
16 was an enduring market effect?

17 A. Well, in all of the case studies, the
18 transmission lines had been in place for some
19 considerable period of time, with the
20 possible exception of in the seacoast area.
21 I think there was one that was relatively
22 new. So, yeah, these are effects that have
23 endured over a substantial period of time.

24 Q. What terms of that property value guaranty

1 might you change to make it, if any, more
2 fitting with properties that you feel may be
3 affected by the Project?

4 A. Well, I'm very comfortable with the
5 eligibility criteria because they have a --
6 because they're grounded in the research we
7 did on the case studies. And I think the
8 case study research is consistent and
9 instructive. There could be new research
10 along those lines that might come down the
11 road at some point. And, you know, that
12 would have to be considered when and if that
13 happened. But at the moment, I think that
14 does a good job of defining eligibility. But
15 the other components of the program are
16 things that, you know, I really don't have
17 much to bring to bear on that, you know, the
18 time duration in particular. There's some
19 small evidence in the literature of effects
20 diminishing over time, but by the same token,
21 you know, our case study results are showing
22 results that are occurring over a substantial
23 period of time. I think that's something
24 that you may be in as good a position to

1 evaluate as me.

2 Q. Thank you. I don't have any further
3 questions.

4 CHAIRMAN HONIGBERG: Mr.
5 Iacopino has a number of questions from
6 Mr. Way, who couldn't be here today. He may
7 also have some of his own. I'm not sure.

8 QUESTIONS BY MR. WAY (ABSENT) READ BY MR. IACOPINO:

9 Q. Mr. Chalmers, I'm going to ask you Mr. Way's
10 questions first. And he's broken them down
11 into categories.

12 A. Okay.

13 Q. I'm going to read them in the way he wrote
14 them. The first group involves the term
15 "arm's length properties." And his first
16 question is: You mentioned that you looked
17 at the transcripts where Mr. Bowes discussed
18 the property transfers. Were you involved in
19 and/or consulted regarding any purchases of
20 property for the Project with Eversource or
21 any of its related entities?

22 A. No.

23 Q. Okay. Were any of these properties, in
24 addition to what Attorney Pacik referenced,

1 included in your case studies or the
2 comparable properties?

3 A. Not to my knowledge.

4 Q. Okay. His second group of questions deal
5 with seasonal property. With regards to
6 properties with a separate mailing address,
7 you mentioned that you were not aware how
8 many are seasonal rentals. Is it fair to
9 assume that you also don't know how many may
10 be long-term lease/landlord-type
11 arrangements?

12 A. I don't -- I think all I said was that if the
13 addresses were different, I thought one could
14 infer that it was a second home or a seasonal
15 residence or a vacation home. I don't think
16 the preamble to your question there was
17 something I remember saying.

18 Q. Okay.

19 A. All I did was I just compared the addresses
20 on the tax card to the property address
21 because -- and the basic point is that the
22 sales that we collected is not a huge number,
23 which is perhaps a problem, but should be
24 representative of what the housing stock is,

1 you know, along those two corridors. I mean,
2 we should be picking up -- you know, if
3 vacation homes are 30 percent and permanent
4 residences are 70, if you pick 60 at random,
5 which we did, essentially, then we should be
6 getting, you know, a 30/70 mix. I'm blanking
7 on the county name. What's the Sugar Hill
8 county?

9 Q. Coos?

10 A. Grafton.

11 Q. Grafton County.

12 A. In Grafton County, of the 20 sales we had, 10
13 of them had different addresses. And, you
14 know, that made sense. That was much less
15 the case in Hillsborough and Merrimack
16 Counties, which is what you'd expect. So,
17 you know, I think our case studies were, you
18 know, generally representative of the housing
19 mix.

20 Q. I think the gist of his question, though, is
21 sometimes single-family homes are leased out
22 on a long-term basis. I think that's what he
23 was addressing here.

24 A. Oh, so that could be an address difference

1 then?

2 Q. Yes.

3 A. Yeah, could be. Sure.

4 Q. So is it fair to assume that you also don't
5 know how many of these homes had that type of
6 arrangement?

7 A. Sure.

8 Q. Okay. Is it more likely that landlords will
9 not be as impacted by the view if they live
10 at a different mailing address?

11 A. I think that's fair.

12 Q. You seem to indicate that those that frequent
13 seasonal homes will not be deterred by the
14 lines. Now, this statement seems to be out
15 of your wheelhouse with respect to appraisals
16 and more of a tourism discussion. Do you
17 have empirical evidence to make that -- to
18 state that opinion?

19 A. No.

20 Q. Okay. He then has some questions about
21 tourism impacts. That's the next section he
22 has here. He says you did not look at the
23 impacts to commercial and industrial sites.
24 You may have answered this, but I'm going to

1 ask it anyway.

2 I'm still wondering why tourism
3 destinations which are often viewed related
4 -- are often view-related, sorry, are not
5 considered part of the study. Do I
6 understand that you did not study tourism
7 attraction values, in part, because of his
8 opinion that tourism would not be impacted?
9 And I think "his," again, is Mr. Nichols.

10 A. Yeah, that's correct.

11 Q. Okay. Would you have changed that if he had
12 said otherwise? Would you have changed your
13 approach if he had said otherwise?

14 A. Possibly. You know, if there was a -- you
15 know, if it was very person-specific,
16 business-specific, I think the answer would
17 be no. But if there was some regional, some
18 significant regional tourism effect, maybe
19 that's something we would have had to
20 investigated further.

21 Q. He goes on to say, I also thought that I
22 heard you say it was your belief that
23 visitors would not be deterred. Do you have
24 any evidence or experience to back up that

1 opinion?

2 A. Yeah, I don't. I certainly wasn't making --
3 yeah, I don't know what the context of that
4 statement was. But I wasn't opining with
5 respect to a tourism opinion or a visitor
6 opinion.

7 Q. Okay. His next group of questions is
8 centered around construction impacts. The
9 first question is: You state that it is not
10 the job of the Site Evaluation Committee to
11 evaluate the effects of the proposal, but
12 more the operation of the Project as built.
13 Given the duration of construction and the
14 impacts to date, what do you think will be
15 the effect on property values during
16 construction and the results on the
17 short-term market, for example, along Route
18 116? I think he's -- I believe that he's
19 addressing the underground portion of the
20 route at that point.

21 A. Right, that would make sense.

22 You know, I've never heard of anyone
23 addressing what are essentially transitory or
24 relatively short-term construction impacts in

1 terms of property values. You know,
2 certainly I've never heard of an assessor
3 who, you know, decreases the property value
4 in March and then increases it again in
5 September when the sewer main is replaced.
6 So it seems to me construction impacts are
7 fundamentally an issue of planning and
8 mitigation. There certainly can be
9 inconvenience. There can be disruption.

10 I think the most telling thing with
11 respect to real estate values would be that I
12 could see a situation when you show a house,
13 you want to show it at its best. And I could
14 see a situation where someone might want to
15 show a house in May, and if the construction
16 were right in front of that house at that
17 time, that might not be the best time to do
18 it. But I think, and my understanding is
19 that, in the rural portions of the state
20 we're looking at probably a week's disruption
21 for a property; in Plymouth, some of the more
22 urbanized sections, a small number of months.
23 And I just don't see property values as being
24 a relevant consideration in the context of

1 that kind of a short-term disruption.

2 Q. His next group of questions involves the
3 discussions with the listing agents. And he
4 asks: When you spoke with listing agents, am
5 I correct that I heard you say there was no
6 script or notes used?

7 A. Correct.

8 Q. Then he states: I would think that there are
9 notes if you are quoting people; correct? Is
10 it more fair to say that notes were not kept
11 after translation -- transcript? He wrote
12 "translation." He means transcription,
13 though, I'm sure.

14 A. I suspect that's correct. Certainly the way
15 I do it.

16 Q. Okay. What were the key points you were
17 searching for from each conversation?

18 A. The key point was the effect of the HVTL in
19 the transaction and on marketing time. I
20 mean, the questions were pretty direct. We'd
21 start out with the condition -- and there
22 were also some questions about the physical
23 relationship of the property to the
24 transmission line. Could you -- I know Mr.

1 Underwood frequently asked how visible the
2 lines were from inside the house, in the
3 broker's opinion. Again, I'm sort of
4 reluctant to rely on that, but that's
5 included in the interviews. But then they
6 typically moved quite quickly to the central
7 issue, which is do they think there was any
8 impact on the sale price or the marketing
9 time.

10 Q. So those notes were made by the brokers that
11 were contracted by you or by Eversource?

12 A. Right. Really, their appraisers.

13 Q. I'm sorry. Appraisers.

14 A. But the case study authors, if you will,
15 because there's also the appraisers, Stanhope
16 and Correnti, actually are the folks who did
17 the appraisals. And then the case study
18 authors were the folks at Amidon and Brian
19 Underwood.

20 Q. Then going to move on to substations. And
21 again, this may be something that you may
22 have answered. Were houses near substations
23 and transition stations evaluated?

24 A. No.

1 Q. You did answer that. Okay.

2 What about properties that are near a
3 station and have a view impact of poles --
4 for instance, Mr. Thompson? So, in other
5 words, they're near both the transmission
6 line and, I think in his case, the transition
7 station.

8 A. Yeah, I'm not quite sure what the specifics
9 of that are. You know, I did say proximity
10 and visibility. So if the Project is going to
11 materially change, it's probably not going to
12 change proximity, so it's going to materially
13 change visibility of either structures or if
14 a substation is suddenly going to appear.

15 Q. Do you know if there were any appraisals
16 performed of properties that had that
17 situation where there was a station and --
18 I'm sorry -- like a transition station and
19 the towers and the wires?

20 A. I don't believe so.

21 Q. Okay. His next group of questions deal with
22 program -- he entitles it "Program For
23 Economic Loss." Based on the report titled,
24 "High-Voltage Transmission Lines in New

1 Hampshire Real Estate Markets," a research
2 report by James Chalmers, of Chalmers &
3 Associates, Northern Pass has developed a
4 guaranty program designed to ensure that
5 owners of those properties Mr. Chalmers
6 identified is most likely to see property
7 value impacts do not incur an economic loss
8 in the event of a sale within five years
9 after the construction begins. That's where
10 his sentence ends. He then says the program
11 includes eligibility criteria aligned with
12 Mr. Chalmers's findings and an opt-out
13 provision exercisable by owners of eligible
14 property, a right of first refusal, and the
15 process by which an owner of eligible
16 property may seek payment for diminution in
17 property value. Were you consulted on this
18 program? Who will be eligible for this
19 program? And is it just single detached?
20 What about those not included in your market
21 study? A lot of these were answered with
22 respect to Ms. Weathersby. But were you
23 consulted about the program?

24 A. Yes.

1 Q. I think we already went over who would be
2 eligible for it. And just at this point, at
3 least, it only involves single detached, if I
4 understood your last answers correctly.

5 A. Correct.

6 Q. Single-family detached.

7 What about those who you haven't
8 identified? You said you identified
9 approximately 11. What if there are folks
10 that you haven't identified? Will they be
11 eligible?

12 A. Yes. Yeah. And my identification is not
13 intended to become the definitive. My
14 identification was for purposes of giving you
15 a ballpark, order-of-magnitude estimate of
16 how many. You know, is this going to
17 potentially affect local markets or not?

18 To the extent this program is
19 implemented, then I think on-site evaluation
20 of the existing condition and on-site
21 evaluation of post-construction condition has
22 to occur. And my street evaluation would not
23 be a substitute for that. You're going to
24 need a definitive evaluation, and that could

1 well increase the number of properties that
2 are eligible or, I suppose, possibly decrease
3 it.

4 Q. Okay. And his last group of questions have
5 to deal with the view tax or view premium,
6 and he says, I believe you said you're not
7 familiar with view taxes or premiums. From
8 your experience, do you have a sense as to
9 the potential impact to municipalities from
10 property tax rebates or reductions as a
11 result of the Project?

12 A. Well, just to clear up the preamble to that,
13 I just wasn't -- I wouldn't at least refer to
14 it. I think I knew what view tax referred
15 to, but it's slightly pejorative.

16 Q. He's also referring to it as a "premium"
17 also.

18 A. Yeah, okay. And so then what was the
19 question?

20 Q. Question is: Do you have a sense as to the
21 potential impact to municipalities from
22 property tax rebates or reductions as a
23 result of the Project -- in other words,
24 because of a reduction of people's payment of

1 taxes based upon the view?
2 A. I do, and it will be very small. Perhaps you
3 remember Mr. Sansoucy testified that we could
4 learn quite a bit from assessor practice in
5 the towns with respect to what the
6 implications of the Project might be in
7 regard to these kinds of considerations. And
8 he said that, A, encumbered properties
9 frequently are adjusted for encumbrance, and
10 possibly also for intrusion; that adjacent
11 properties are affected; also properties,
12 what he called "tertiary properties," which
13 are closer to what we're talking about here
14 in terms of view properties, they're not
15 encumbered, they're not adjacent, but they
16 might be 500 feet away or 1,00 feet away, but
17 they might have the view that's impacted by
18 the transmission line or by the Project. And
19 my case study properties are all either
20 encumbered or adjacent, so that didn't
21 address -- I did look at those. Basically,
22 the encumbered properties are about 50/50
23 with some adjustment to the land value. The
24 adjacent properties, there was only one that

1 had a very, very small adjustment. But I
2 didn't have any of the so-called "tertiary
3 properties." So I picked six towns, kind of
4 generally representing, you know, kind of
5 north/south along the Phase II route, since
6 that was presumably the most intrusive line.
7 And I looked at Haverhill, Hopkinton, Hill,
8 Bedford, Concord and Londonderry. And I went
9 out to 600 feet on either side of the
10 Phase II line and pulled the tax card for
11 every parcel for which any portion of the
12 parcel was within that 600-foot boundary.
13 Gave me about 800 tax cards. About 500 of
14 them would fall in the tertiary category,
15 neither adjacent nor encumbered. There were,
16 call it 100, a little less than 100, that
17 were adjacent, and a little over 100 were
18 encumbered. The encumbered were adjusted
19 about 50/50. About 50 of them showed some
20 adjustment for encumbrance. Small, but --
21 the adjacent properties, one out of five out
22 of that 80, a little less than a 100, one out
23 of five were adjusted. And out of the 500
24 properties in the tertiary category, kind of

1 view properties, zero. Not a single one out
2 of 500 had any assessor adjustment for views.

3 So I think the answer to that question
4 is it won't be a view adjustment. It will be
5 a combination of proximity or encumbrance
6 adjustment. But once you move away from the
7 line, I don't think there will be any
8 assessed value implication whatsoever.

9 Q. Okay. He also states with respect to the
10 view issue that the Committee is required to
11 take into account the input from
12 municipalities and planning commissions.
13 Were these entities consulted by you with
14 regards to the impact of the view and their
15 opinion on the tax premium reductions?

16 A. That would really be Mr. Varney's area of
17 expertise. He dealt with sort of the
18 institutional concerns.

19 Q. Okay. Those are all Mr. Way's questions.

20 MR. IACOPINO: Did you want me
21 to go on to the few I had?

22 CHAIRMAN HONIGBERG: Sure.

23 QUESTIONS BY MR. IACOPINO:

24 Q. With respect to the property value guaranty

1 that you've discussed, if this Committee were
2 to grant the certificate and make that
3 guaranty a condition, would you recommend
4 that the Applicant be required to document
5 the preconstruction conditions of each
6 property that may be eligible?

7 A. Yes.

8 Q. And what in your opinion would be the best
9 way for the Applicant to do that?

10 A. Well, again, you all would be better -- you
11 attorneys could figure that out I think in a
12 way that would make sense. But you'd want to
13 do, you know, an on-site inspection that, you
14 know, provided a definitive account of what
15 the existing condition is and then to be
16 followed up post-construction by the same
17 kind of assessment. And the criteria would
18 then have to be defined. You know, there
19 would be a lot of definitional issues that
20 would have to be addressed. But I think my
21 work sort of outlined how that might work.
22 But I'm sure it would have to be documented.

23 Q. Okay. Your view and people like you are the
24 people who will be involved in that

1 determination, so that's why we asked you.
2 So I take it when you say "document," you
3 mean photographic evidence and things like
4 that?

5 A. Yeah, tape measure. Yeah, some combination
6 of a tape measure and photos I would think
7 would be the way you do it.

8 Q. Okay. And do you have an opinion as to how
9 many properties would be impacted if that
10 property value guaranty was extended to not
11 just homes encumbered, but homes adjacent to
12 the right-of-way that have the other
13 qualifying conditions?

14 A. I really can't give you a number. My
15 suspicion is it would be a fairly small
16 number. I don't know whether that's helpful.
17 But I can't give you the number. Order of
18 magnitude would be small. Most of these
19 homes at this distance are encumbered.

20 Q. You did research, a fair amount of research
21 in this area before coming to New Hampshire
22 to do your New Hampshire research. Your
23 Montana study seems to be well-cited by
24 everybody who's involved in this. And if I

1 understand the Montana study, it had very
2 similar conclusions to what you've determined
3 for the New Hampshire studies; correct? In
4 other words, it was encumbrance, proximity
5 and visibility that determined price effects,
6 sales price effects?

7 A. At the very most general level. But they're
8 pretty different. There were 48 case studies
9 that are most analogous, and in only one of
10 those in Montana did we find a sale price
11 effect. But the problem in Montana -- well,
12 there are a lot of areas of uncomparability.
13 But of those 48 case studies, some of those
14 are 6,000-acre ranches. So, you know, the
15 improvements are a small portion of the value
16 and it has more to do with agricultural
17 value. But we also have rural tracks with
18 vacation homes on them. So it's a much more
19 diverse set of properties than even in New
20 Hampshire.

21 Q. Your main conclusion was the same, though,
22 wasn't it, that as far as a market effect,
23 that there was little, if any?

24 A. Yeah. Yeah. Yes, at the very highest level,

1 I think that's fair.

2 Q. Mr. Pappas got at this a little bit in his
3 cross-examination of you. What I'm going to
4 ask you is obviously you know what
5 confirmation bias is; correct?

6 A. Well, I probably did at one time. Why don't
7 you repeat it for me so I'm sure we're on the
8 same page.

9 Q. Well, let me ask you this: Did you take any
10 measures to avoid or eliminate confirmation
11 bias? In other words, because you found this
12 result in a prior study, you're expecting to
13 find it again in this study?

14 A. Yeah. You know, the situations are so
15 different, okay. So you could say at the
16 very highest level there's some similarities
17 in the findings. But if we went through the
18 Montana study in any detail, it's got very
19 different components and the results really
20 are quite different.

21 But the other thing I would say
22 specifically with respect to your question is
23 it'd be very hard for me to be bias in this
24 because you don't have any idea -- when I

1 selected those subdivisions, I didn't have
2 the foggiest notion where those were going to
3 end up, because until we went through the
4 chain of title, until we tabled it up, I
5 mean, I was working on that for six or seven
6 or eight months before I had any idea what
7 the data would show. And the same thing on
8 the case studies. You know, it is what it
9 is. And until those were tabled up -- and
10 when they were tabled up, I made a
11 three-by-three matrix, and I was darned if 9
12 out of the 10 yeses didn't all fall in that
13 lower left-hand box, you know. I was
14 surprised, frankly, that it was that -- I was
15 very surprised that the results were that
16 consistent. So it's a little hard for me to
17 see how I could have brought any bias to
18 that.

19 Q. So if I were to put that in one sentence,
20 would I be correct to say that the model you
21 used, by its nature, eliminated confirmation
22 bias?

23 A. I think that's fair.

24 Q. Okay. There is this issue of the 100 feet

1 from the right-of-way. And I just -- this
2 question keeps gnawing at me. And I don't
3 know how broad it would actually occur. But
4 if you sit in a movie theater, or at least in
5 the old movie theaters, if you sit down in
6 the very front row, you see not much of the
7 theater, not much of the screen, so you had
8 to look up like this; whereas, if you sit in
9 the way back, you probably couldn't see. But
10 if you sat right in the sweet spot in the
11 middle, you get a great movie. And do you
12 see that at all, that sort of effect in your
13 analysis? Or should we consider that effect
14 in your analysis? Should the Committee
15 consider it?

16 A. Well, all I can say is that all I'm working
17 off of is what we found, okay. I didn't
18 bring any preconceived notions. And I can't
19 really make conclusions beyond what the data
20 show, okay. And what the data show is that,
21 by and large, the only place we got
22 effects -- there was one 106, there was one,
23 I don't know, might have been 190, maybe
24 170-foot. But the preponderance of the

1 properties where there was an effect, there
2 were two or three that were right on the
3 right-of-way. There was a 7-footer, an
4 11-footer. The average, as I said, was
5 33 feet. And my conclusion is that
6 essentially it's when the structures and the
7 transmission line become part of the
8 property, they're so intrusive, that when you
9 think of that property, or the minute you
10 visit that property, you know immediately
11 that you are adjacent to a transmission line.
12 There are other properties where, you know,
13 essentially it's peripheral. Yeah, I mean,
14 you look through the back yard and, oh, yeah,
15 I can see it out back there. But it's not --
16 so it's the level of intrusion. And that
17 level of intrusion appears to be associated
18 generally with very, very close -- it doesn't
19 happen until it gets really right on top of
20 the house, and then it's kind of inescapable.
21 So every buyer who comes to that house -- you
22 know, every time you come home you're looking
23 at that thing. A lot of these were often
24 peripheral. I think you'd come home, you

1 know, six nights out of seven and never see
2 it. You know, it sort of disappears.

3 So I think you were asking me is there a
4 kind of sweet spot as we move back where
5 maybe it's more visible; whereas, if you're
6 right under it and you look under it or
7 through it or something, and that's really
8 not what we found. It seemed like it was
9 just that it becoming a part of the, you
10 know, essentially part of the property and
11 attribute of the house where we found
12 effects. But that's my interpretation of
13 that data. You could look at that data and
14 maybe come to a little different -- and I
15 think, you know, your interpretation of that
16 data is as valid in some ways as mine. I
17 mean, that's simply what we found. And, you
18 know, what we found was it had -- it was
19 where you had that extreme proximity and more
20 of a front-row effect than the
21 middle-of-the-theater effect.

22 Q. Thank you. Let me just switch gears for one
23 second. Ms. Schibanoff asked you about sort
24 of the "stigma effect" is what I think of it

1 in my own mind. And you did respond to her
2 and talk about the price effects not bearing
3 that out, I believe was essentially what your
4 answer was to her.

5 My question is in terms of the time on
6 market information. Does that serve as a
7 better proxy for the stigma, if you will?

8 A. Yeah, they both figure in. It depends on
9 listing price, right. If you know you've got
10 a problem and you list appropriate to that
11 problem, your days on market may be pretty
12 short. If you don't think you have a problem
13 and you list too high, then you have a long
14 marketing period. So it really --

15 Q. It's an additional variable.

16 A. It's an additional variable.

17 Q. Okay. The only other question I have, and I
18 think it was with Ms. Dandeneau, you
19 indicated that your F value was
20 infinitesimal. Could that, as well as -- I
21 mean, obviously it says that, you know, your
22 statistics are reliable. But could such a
23 small F value also indicate a problem with
24 the model?

1 A. No problem.

2 Q. Why not?

3 A. No problem. No, that's very -- I mean, the
4 results are very sensible. You know, it says
5 Unit A -- I've forgotten exactly what the
6 numbers are. But it gives us a very precise
7 measure of the market value difference
8 between -- there are two types of units, Type
9 A and Type B. It gives us a precise measure
10 of that. It gives us the units built. They
11 came on, started in '88, '89. They were
12 built at difference times. The older units
13 sell for a little less. And the year in
14 which it sold makes a huge difference. They
15 came on at about a hundred. Over the course
16 of the up-cycle in the mid 2000s, 2005, 2006,
17 they got up to 200, and then they fell off
18 the cliff, went down to 130, 125, and now
19 they're up around 175. So all of those
20 things are precisely measured. And the
21 distance variables, the transmission line
22 variables, the corridor variables simply have
23 no significance whatsoever.

24 Q. Just for the record, and I should have said

1 this as part of the question, we're talking
2 about the McKenna's Purchase study.

3 A. Correct.

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

5 CHAIRMAN HONIGBERG: Commission-
6 er Bailey.

7 QUESTIONS BY COMMISSIONER BAILEY:

8 Q. Good afternoon. Most of my questions have
9 been asked, but... when you were up in the
10 North Country, did you happen to stay at the
11 Mountain View?

12 A. I did.

13 Q. Did you read the history in the room?

14 A. Did I read the --

15 Q. There's a card with some history about
16 what the -- how the property came to be.

17 A. I suspect I did.

18 Q. Okay. Well, we were there last week and I
19 happened to read it. And what it said was
20 that, like in 1860, about, in the 1800s, a
21 stagecoach tipped over in the middle of the
22 night. And the stagecoach driver told the
23 people he was transporting to walk up the
24 street a half a mile, that there was a house,

1 and see if they would shelter them for the
2 night. And they did. And they realized that
3 the view was spectacular, and they asked if
4 they could come back the next year and spend
5 a couple weeks as tourists. And long story
6 short, the owners of that house decided to
7 make a business out of it, and the name of it
8 was The Mountain View House. And so today,
9 if you stand on the porch, I can't see the
10 transmission lines if they're there. But in
11 the future, if you can see the transmission
12 lines from Northern Pass, is it your
13 testimony that that will have no impact on
14 that property value?

15 A. No, I wouldn't offer an opinion on that.
16 Again, the resort economics are complicated
17 and not an area of my expertise. But you'd
18 have to study that pretty darn hard and then
19 try to figure out what an incremental change
20 in the view would do to that. Yeah, I just
21 wouldn't have the basis for opining on that.

22 Q. Okay. Yesterday I think you said that a
23 property that hadn't sold was of limited
24 value -- of limited use to your analysis on

1 the impact on market value from the
2 transmission line.

3 A. Correct.

4 Q. Okay. If a house is attempted to be sold and
5 it doesn't sell, or it sits on the market for
6 three years, how does that impact your
7 analysis on time of market? Doesn't it skew
8 it by leaving that out?

9 A. Well, I think you've got two questions there.
10 This whole issue of the extended marketing
11 period came up yesterday. I remember a line
12 of questions. And we looked at one specific
13 property that had been on the market for a
14 year and then off the market for a while.

15 Q. Right.

16 A. So it's important to recognize that the
17 comparison that we made was marketing time of
18 the property in question relative to the
19 town, right, because that was sort of our
20 frame of reference. Obviously, in Lancaster,
21 for example, the market was very soft in '10,
22 '11, '12, '13, even to some extent up to
23 present. So you've got to control for that;
24 whereas, the market in Concord was more

1 robust and would have different days on
2 market. So the only way you could
3 meaningfully compare the property days on
4 market to the town average days on market
5 would be if those are measured in the same
6 fashion. And in both cases those are
7 measured in the context of the current
8 listing. That's the only measure that we
9 have. So we were comparing the days on
10 market under the current listing of the house
11 in question, not its whole listing history,
12 because there's no -- and the days on market
13 average for that town based on current
14 listings, okay. So we had a comparable. So
15 I just wanted to clarify that.

16 The question -- and I remember we talked
17 about this in the Merrimack Valley case, the
18 problem with the withdrawn listing, and
19 there's certainly a possibility of withdrawn
20 listings, is that there's just no way to get
21 at the -- I mean, how are you going to
22 identify the multiple, the many, many
23 different reasons that a listing could be
24 withdrawn? I mean, you're really talking

1 about interviewing I guess the homeowners,
2 and then, you know, what people say isn't
3 necessarily -- you know, you'd have to
4 somehow try to sort through that.

5 In general, although people may be
6 discouraged, may have trouble selling a
7 place, if they want to sell it, typically it
8 will get sold at some point. And if it was
9 hard to sell, that sale price will be low;
10 right? There wasn't demand for it, and we'll
11 pick it up at that point. But, you know,
12 we've got market resistance -- marketing
13 resistance measures in everything we did.
14 You know, the case studies have a marketing
15 time. The subdivision studies look
16 explicitly at the timing of sales, and the
17 market activity analysis looks at days on
18 market. So everything we did looked at that
19 in a way that was sort of feasible and
20 operational. We did not look at withdrawn
21 listings. And I think there really wasn't --
22 it didn't seem to be an imperative to do that
23 from other marketing time stuff we did. Even
24 if there had been, I'm not sure how you'd do

1 it. So that's kind of where we are on that.

2 Q. Okay. Thank you.

3 QUESTIONS BY CHAIRMAN HONIGBERG:

4 Q. Dr. Chalmers, virtually everything I could
5 have asked has been asked, although there are
6 a few things I want to talk with you about.

7 Mr. Iacopino asked you, when he -- what
8 you both referred to as a "movie theater
9 effect." I have a different perspective
10 question or area to talk about or ask you
11 about.

12 If I'm standing 50 feet from away from a
13 structure that's 50 feet tall, it has a
14 particular view to me. If I'm standing
15 75 feet away from a 75-foot-tall structure,
16 it has a certain view to me. I'm sure it's
17 not a one-to-one scale. There's probably
18 some logarithm in there that affects
19 viewpoint. But did you take the height of
20 the structures into account in evaluating the
21 distance from those structures?

22 A. Well, distance is totally defined. I mean,
23 the distance is the distance from the home
24 right to the most visible structure. So

1 that's simply --

2 Q. But that's to the base of that structure.

3 A. That's to the base of the structure, right.

4 Q. But the height of the structure could make it
5 appear to be a different distance away. I
6 mean, height -- I mean, it's classic art
7 theory about how you draw perspective, isn't
8 it?

9 A. Right, right, the "veneer effect."

10 Q. So isn't that -- so I guess the answer is
11 "No."

12 A. The answer is "No." Right. No, we went to
13 the -- with the existing structures to the
14 nearest leg, if it's an H-frame, and if it's
15 a proposed structure, we went to the center
16 of the little yellow square. And that would
17 be the distance measure.

18 The visibility assessment that I did on
19 the 89, again, I don't know that the
20 perspective really figures into that. So I
21 think the answer is that the distance doesn't
22 take that into account.

23 Q. Shouldn't it? I mean, you and Mr. Iacopino
24 just agreed -- or I think you explained to

1 Mr. Iacopino that the feeling -- the
2 significant feeling is that if the structure
3 is on you, it is part of the property if it's
4 so close to you. But the height changes that
5 distance, doesn't it, or the relevant
6 distance?

7 A. Yeah, I understand your point. We didn't
8 take it into account. I'm not sure -- I
9 mean, is the presumption that the higher it
10 is, the less intrusive it is?

11 Q. I'm not the expert here. I think your
12 presumption, or I think the work, the way you
13 approached this, was what -- how many more
14 were visible after the construction -- or
15 would be visible after the construction based
16 solely on the on-the-ground base distance.
17 But more should be visible if the new
18 structures are taller. That's the first
19 issue that I have.

20 But then the second issue is the more
21 subjective one that may have an objective
22 component because it may just be math about
23 how the taller structure appears to be closer
24 because it's taller.

1 A. Could be.

2 Q. Do you feel like you should have taken that
3 into account in your work?

4 A. Frankly, I've never thought of it until
5 you've -- never thought about it until you've
6 raised the issue just now.

7 I think one of the things is that, given
8 a typical, you know, residential parcel,
9 you've got a lot of different perspectives.
10 One of the important ones it seems to me is
11 as you drive into your driveway as you come
12 off the street into the driveway, you know,
13 you're getting a visual of your house and of
14 the setting of your house. And if this
15 structure is looming, but you're back a
16 ways as you're coming down the driveway --

17 Q. Not if you're Ms. Lee.

18 A. You also may have a deck in the rear, patio,
19 pool; right? And so there are a lot of
20 different perspectives that matter, I
21 suspect. We didn't, you know, didn't try to
22 refine those. We just tried to say, frankly,
23 if I walk around the perimeter of that house
24 on the outside, is there any point from which

1 I can see again the cross-member where the
2 conductors are attached. I get your point.

3 In some ways, the footings of a lattice
4 structure may be more obnoxious than just
5 that lattice work sort of plopped down on
6 your lawn. Other cases --

7 Q. Yeah, but I think your testimony is that what
8 you're worried about people seeing is where
9 the wires connect to those towers.

10 A. Well, that's how we define it. That's how we
11 define it.

12 Q. But your subjective view is that what offends
13 people is the ability to see the structures
14 themselves?

15 A. Well, that's what we -- the way we
16 operationalized it. But I'm kind of
17 discussing this with you now, and we're
18 talking about perspectives. And I think,
19 yeah, that's the guts of it. I mean, that's
20 kind of the working part of that structure.
21 And it strikes me as the most, in a sense,
22 conspicuous if you were to see it for the
23 first time. But we're talking now about how
24 does it sort of impinge on the property. And

1 there I can see the point that you're
2 raising. I can also see, frankly, it's
3 almost the front-row effect; right? If
4 you're in that front row, you're seeing more
5 of the bottom of the structure than the top.

6 Q. But there's got to be a sweet spot where as
7 you're moving back that sweet spot changes,
8 depending on how high the tower is; right?

9 A. Well, yeah. And I think someone else brought
10 up the point, you know, what if you're on the
11 second floor and you've got a different
12 perspective.

13 Q. Right, right.

14 A. So there's probably several sweet spots.

15 Q. In your prior work, had you done studies or
16 evaluated situations where the new towers
17 were going to be as tall as the towers are on
18 this project?

19 A. I've never rendered an opinion. See, the
20 Montana study was never applied to a project.
21 The project went away. And the statistical
22 work that I did for Northeast Utilities ten
23 years ago was never applied to a project. So
24 the answer would be "No."

1 Q. Changing gears. There has been reference --
2 you make reference to a few different things.
3 Sometimes you talk about the literature,
4 which is one thing. You talk about the case
5 studies and you talk about the subdivision
6 studies. Can you just again -- I apologize
7 for making you reiterate this, but describe
8 each of those again for me. And if I missed
9 a category of things that are part of this
10 set, let me know.

11 A. Yeah, okay. So the first step was to survey
12 the literature. That's Chapter 3 of the
13 research report. The next thing were the
14 case studies, Chapter 4 of the research
15 report, 58 of them in the three corridors,
16 which we call Corridor 1, 2, and then Study
17 Area 3. And I think those lend themselves to
18 specific findings that are helpful in
19 thinking about the impact of Northern Pass.

20 Then there are the subdivision studies,
21 Chapter 5 of the research report, which is a
22 look at the sale of lots in 13 subdivisions,
23 in which we find effects in 8. The effects
24 are largely effects of encumbrance. Where we

1 find effects, they're largely because the
2 right -- the easement constrains the way in
3 which the lot can be developed.

4 Chapter 6 is the market activity
5 analysis, and that is a look at days on
6 market and sale price to list price ratios
7 for properties at three different distance
8 levels from the existing PSNH line in the 31
9 towns through which NPT is proposed to pass.

10 Q. So, at least in the case studies and the
11 subdivision studies, various intervenors over
12 the last couple of days have found certain
13 flaws in the data, either omissions or errors
14 of dates. I haven't been keeping a running
15 count, but I think we hit double digits in
16 things that people identified. We were
17 close, anyway.

18 A. Well, you know, there were two -- I'm --

19 Q. We can -- I don't want to get into a
20 discussion about what's significant or large
21 or anything. There were some; right?

22 A. Yes.

23 Q. How many would we need before we should be
24 concerned about the quality of the analysis

1 based on the data? Would it have to be 30,
2 50? What do you think?

3 A. Well, that's a judgment call. I think
4 basically --

5 Q. When would you start to get worried?

6 A. Well, I'd worry when there's one. You know,
7 I mean, seriously. I take it really
8 seriously. But there's a prodigious amount,
9 four and a half years' worth of work here, a
10 prodigious amount of stuff.

11 Q. And yet, in a few months, Ms. Menard found a
12 number of mistakes in Deerfield, and Attorney
13 Pacik found a number of mistakes in Concord.

14 A. No. What it -- I don't -- in Concord, we
15 found a two-story house. You know, there was
16 confusion between a one-story house and a
17 two-story house. That's the only -- frankly,
18 the only places where there are corrections,
19 there were two appraisals. Okay. There are
20 58 case studies. Everyone has an appraisal.
21 There are two appraisals that have a bad comp
22 in them, okay. And in both of those cases
23 they happen to have very good comps for both
24 of those. You pull that out, doesn't change

1 the implication of the appraisal.

2 And then there were two subdivision
3 studies, which is where Ms. Menard spent most
4 of her time. The one that had the most, got
5 the most attention was Allenstown. It was a
6 bad date. Scribner error on that. And then
7 we had missed the fact that two of the sales
8 were related parties, okay, not fair market,
9 okay. So there were two sales in there that
10 need to come out. It happened that one of
11 the sales was an encumbered property and one
12 was an unencumbered property. So that didn't
13 affect the averages. No change in that.

14 And then on the Deerfield, the last one,
15 the Haynes Road subdivision, there's just one
16 date change. And I think there was also a
17 GLA, but --

18 Q. Yeah, you don't need to rehash all of the
19 errors.

20 A. But that's it. That's it.

21 Q. And I understand that it wouldn't change your
22 opinion.

23 A. Right.

24 Q. I'm really just trying to get a sense of

1 scale. And I've heard your answer, that you
2 want it all to be accurate and you don't like
3 it when it's not all accurate.

4 A. Right.

5 Q. I appreciate that, believe me.

6 I think that's all I have.

7 CHAIRMAN HONIGBERG: Does anyone
8 on the Subcommittee have any questions? I see
9 Mr. Oldenburg. Mr. Oldenburg, why don't you
10 go.

11 MR. OLDENBURG: Real quick.
12 Questions lead to questions.

13 QUESTIONS BY MR. OLDENBURG:

14 Q. One of the things on the 10 or 11 that you
15 found would have property value change. You
16 said that all of them were encumbered. How
17 do you know that the property value change
18 isn't related to that encumbrance, that it's
19 the view that causes that issue?

20 A. I don't know that. I mean, it could very
21 well -- I mean, it's a combination. It's
22 just like I can't say whether it's the
23 proximity that's doing it or it's the
24 visibility that's doing it or it's the

1 encumbrance. Now, sometimes you can kind of
2 tell that if the encumbrance has really
3 fouled up the property, so you kind of know
4 that's what's driving it. But as a practical
5 matter, all we know is it's the combination
6 of those three. You pull one of those out,
7 you don't find it. But when the three of
8 them are together, you do find it. And
9 there's no way for me to separate that out.
10 You can sort of use your own judgment, kind
11 of look at it and you may be able to develop
12 a hypothesis.

13 It looks like here the problem is more
14 encumbrance than visibility or proximity.
15 But as a practical matter, the conclusion is
16 that it's the joint effect of those three
17 things that causes the problem.

18 Q. That's all. Thank you.

19 CHAIRMAN HONIGBERG: Anyone
20 else?

21 [No verbal response]

22 CHAIRMAN HONIGBERG: Mr. Walker,
23 I assume you have questions.

24 MR. WALKER: Yes, I do.

1 Probably less than a half-hour, but I
2 appreciate --

3 CHAIRMAN HONIGBERG: I think it
4 makes sense to take a short break, so we'll
5 take a break for ten minutes.

6 (Recess taken at 3:26 p.m., and the
7 hearing resumed at 3:44 p.m.)

8 CHAIRMAN HONIGBERG: Mr. Walker,
9 you may proceed.

10 MR. WALKER: Thank you, Mr.
11 Chairman. In light of the questions from the
12 panel, I have very few questions for Mr.
13 Chairman.

14 REDIRECT EXAMINATION

15 BY MR. WALKER:

16 Q. Dr. Chalmers, I wanted to clarify one thing.
17 There were a few questions from the
18 Committee. I think it was from Ms.
19 Weathersby and Mr. Oldenburg, and perhaps Mr.
20 Wright. But there were references to the 11
21 properties on your list of 89. And at some
22 points they refer to those that could be
23 affected, some that would be affected. Can
24 you just clarify, as far as those 11

1 properties, is it your opinion that they
2 could be affected by the proposed project?

3 A. Yes, that's correct. Those 11 properties
4 share the characteristics of the properties
5 for which we found effects. But of all the
6 properties that had those characteristics,
7 about only half of them actually showed the
8 effects. So what we're saying is that these
9 11 are in a category where the probability of
10 effect has gone up significantly, but I would
11 not expect all of those to be affected. If
12 the case study results materialized, I'd
13 expect about half of them to be affected
14 maybe. Pretty small numbers, though. So
15 maybe be a little more than half, maybe be
16 less than half. But it is not my conclusion
17 that all of those would be affected. Simply,
18 they're the ones for which the likelihood of
19 an effect will go up due to the Project.

20 Q. Okay. Chairman Honigberg, or it may have
21 been Mr. Iacopino, also asked you about the
22 number when you're considering a property
23 value guaranty program. And there was a
24 question about whether it should be just the

1 encumbered properties or properties that also
2 abut. Does that list of 89 include
3 properties that abut?

4 A. Yes.

5 Q. Yesterday, Attorney Pappas showed you a
6 bankruptcy petition that had been filed by
7 Mr. Underwood, which included some
8 information about his personal finances, as
9 well as a complaint that had allegations by
10 his ex-mother-in-law. Do you recall that?

11 A. I do.

12 Q. Does what Attorney Pappas showed you
13 yesterday impact your opinion of the
14 appraisal work done by Mr. Underwood?

15 A. No, it doesn't.

16 Q. Does it change any of the conclusions that
17 you reached in this matter?

18 A. No, it doesn't.

19 Q. Do you recall the discussion yesterday about
20 Brad Thompson's property up in Stewartstown?

21 A. I do.

22 Q. And do you recall that Attorney Baker asked
23 you -- and I can't recall exactly what he
24 asked you, but it was something to the effect

1 that, if the proposed project went through,
2 could it cause damage to Mr. Thompson, and
3 you answered "Yes." What did you mean by
4 that?

5 A. That from Mr. Thompson's perspective, the
6 change could be problematic from his own
7 personal perspective. But I didn't have an
8 opinion -- I wasn't rendering an opinion with
9 respect to market value impact on his
10 property. I really didn't have any basis for
11 that. I interpreted it as a question
12 about -- and I think it was kind of would he
13 view this as damaging his property, and I
14 essentially was saying that was a
15 possibility. But I was not implying that I
16 was rendering any kind of opinion with
17 respect to the market value of his property.
18 I didn't have any basis for that. I haven't
19 studied it. I don't know, frankly, much
20 about his property.

21 Q. And earlier today, Attorney Cunningham was
22 referring to that earlier case where there
23 were sellers of easement rights to PSNH. And
24 this was a number of years ago, I believe

1 about 50 years ago, or more than 50 years
2 ago. And he asked you whether the sellers of
3 those easement rights could have anticipated
4 this project, and your answer was "No." What
5 did you mean by that?

6 A. That I don't think there's any reasonable way
7 that someone at that period of time could
8 have anticipated the specifics of this
9 project. But the easement agreement is
10 fairly specific with respect to uses that
11 might occur in that, prominently transmission
12 and distribution uses. So the uses in
13 general that might occur within that easement
14 certainly could have been anticipated, but
15 the specifics of NPT certainly couldn't, or
16 at least I wouldn't think. You'd have to
17 have a pretty good imagination to predict or,
18 you know, to have a sense. There was no way
19 to anticipate the specifics of this project.

20 Q. And the last questions I have are with regard
21 to McKenna's Purchase. Do you recall
22 Attorney Judge asking you questions about
23 McKenna's Purchase?

24 A. I do.

1 Q. In particular, he was asking you about how
2 you measured the distances from the
3 individual units to the proposed -- or to the
4 corridor; correct?

5 A. That's right.

6 Q. And he questioned why you used the front
7 door. And why is that? To make your
8 measurements. I'm sorry. Why you used the
9 front door to make your measurements.

10 A. Right. Because I needed a recognizable point
11 on the plan that would measure the relative
12 distance of each of the units from the
13 right-of-way. And the front door was the
14 only attribute of each individual unit that I
15 could identify on the plan, and that gave me
16 a good, reliable measure of relative
17 distances. From the back of the building,
18 you don't have that defining point, and it
19 wouldn't have worked as well.

20 Q. But Attorney Judge was showing you how they
21 performed the measurements from the closest
22 point of the individual units to the
23 right-of-way; correct?

24 A. That's right.

1 Q. And you didn't have access to the property,
2 so you could not do that; correct?

3 A. Well, I think he was probably doing that off
4 of -- well, I don't know how he did it. But
5 I didn't have access to the unit. But we
6 would have done the measurement I think off
7 of imagery in any event.

8 Q. Did you seek access to the McKenna's Purchase
9 property?

10 A. I did. I asked Mr. Getz to inquire if I
11 could have permission to enter the property
12 to -- I was really interested in getting a
13 sense of the visibility of the existing lines
14 from the Project. I had some photo
15 simulations. But I wanted to walk around the
16 property and see how visible the existing
17 structures would be.

18 Q. And do you know if that request was forwarded
19 to Attorney Judge?

20 A. That was my understanding, yes.

21 MR. WALKER: And Dawn, could you
22 pull up Applicant's exhibit, I believe it's
23 198.

24 BY MR. WALKER:

1 Q. And what's in front of you, Dr. Chalmers, is
2 the exhibit where a request for permission to
3 enter McKenna was asked for. And Attorney
4 Judge denied that permission; correct?

5 A. That's right.

6 MR. WALKER: Nothing further,
7 Mr. Chairman.

8 CHAIRMAN HONIGBERG: All right.
9 If there's nothing else for Dr. Chalmers, then
10 I think we're done. Thank you.

11 THE WITNESS: Thank you.

12 CHAIRMAN HONIGBERG: Mr.
13 Needleman, what's next on the docket here?

14 MR. NEEDLEMAN: We're going to
15 ask Ms. Bunker and Ms. Widell to come up.

16 CHAIRMAN HONIGBERG: Off the
17 record.

18 (Discussion off the record)

19 (WHEREUPON, CHERILYN WIDELL AND
20 VICTORIA BUNKER were duly sworn and
21 cautioned by the Court Reporter.)

22 DIRECT EXAMINATION

23 BY MR. WALKER:

24 Q. Good afternoon, Ms. Widell. Over here.

1 Cherilyn, over here.

2 CHAIRMAN HONIGBERG: Look to
3 your left.

4 BY MR. WALKER:

5 Q. I'm talking. So, good afternoon. And good
6 afternoon, Dr. Bunker.

7 So, for the record, Ms. Widell, could
8 you just introduce yourself to the Committee
9 and where you work.

10 A. (Widell) Good afternoon. My name is Cherilyn
11 Widell. I'm the principal of Widell
12 Preservation Services in Chestertown,
13 Maryland. And I'm the expert witness for
14 cultural resources above ground today.

15 Q. Thank you, Ms. Widell. And in this matter
16 did you submit prefiled testimony dated
17 October 16, 2015?

18 A. (Widell) Yes.

19 Q. And that, for the record, is Applicant's
20 Exhibit 18.

21 Did you also submit supplemental
22 prefiled testimony dated April 17, 2017?

23 A. (Widell) Yes, I did.

24 Q. For the record, that is Applicant's

1 Exhibit 95.

2 Ms. Widell, do you have changes that you
3 would like to make to either your prefiled
4 testimony or your supplemental prefiled
5 testimony?

6 A. (Widell) Yes, I do. I have a correction on
7 Page 13 --

8 Q. Hold on. Which one? Is it the prefiled
9 testimony or the supplemental?

10 A. (Widell) It is the supplemental testimony.

11 Q. Okay.

12 A. (Widell) Page 13, Line 4.

13 Q. And what is the change that you would like to
14 make?

15 A. (Widell) The change should be "no substantial
16 adverse effect."

17 Q. Do you have any further changes you wish to
18 make to your testimony?

19 A. (Widell) I do not.

20 Q. Have you done any additional work since you
21 submitted your supplemental prefiled
22 testimony?

23 A. (Widell) Yes, there has been significant work
24 in the preparation of inventory forms,

1 cultural landscapes and effects tables, all
2 of which have been submitted.

3 Q. Thank you.

4 Turning to you, Dr. Bunker.

5 I'm sorry. Ms. Widell, I forgot. With
6 that -- with those changes, or the one change
7 that you made, do you affirm and swear by the
8 testimonies that you filed in this case?

9 A. (Widell) Yes, I do.

10 Q. Thank you.

11 Dr. Bunker, same questions for you.

12 Could you introduce yourself to the
13 Committee, please.

14 A. (Bunker) Yes. My name is Dr. Victoria
15 Bunker. I am the architectural consultant
16 for the Project.

17 Q. You also submitted prefiled testimony in this
18 matter, dated October 16, 2015?

19 A. (Bunker) Yes, I did.

20 Q. And for the record, that is Applicant's
21 Exhibit 17.

22 A. (Bunker) Yes.

23 Q. Do you have any changes you wish to make to
24 your prefiled testimony?

1 A. (Bunker) No changes.

2 Q. You also submitted supplemental prefiled
3 testimony on April 17, 2017; is that right?

4 A. (Bunker) Yes.

5 Q. For the record, that's Applicant's Exhibit
6 94.

7 Do you have any changes you wish to make
8 to that supplemental prefiled testimony?

9 A. (Bunker) No changes. Thank you.

10 Q. You, too, have done some work since you filed
11 your supplemental prefiled testimony; is that
12 right?

13 A. (Bunker) Yes, that's true.

14 Q. Can you generally describe the nature of the
15 work you've done?

16 A. (Bunker) Yes. We have completed
17 archeological Phase II excavations at
18 potentially eligible sites, in terms of field
19 examination this field season. We have also
20 submitted and have had review conducted on
21 the Phase II archeological site reports for
22 the 2016 field season. And in addition, we
23 have recently been authorized to begin work
24 on Phase II archeological investigations for

1 the Deerfield to Scobie line component.

2 Q. Thank you. And do you confirm or affirm and
3 swear by your testimonies in this case?

4 A. (Bunker) Yes, I do.

5 Q. Thank you.

6 MR. ROTH: Jeremy, before you
7 give up the witness to cross, I didn't
8 understand what Ms. Widell's correction to her
9 supplemental testimony was. Can you --

10 CHAIRMAN HONIGBERG: Mr. Walker,
11 you want to go through that again with her?

12 MR. WALKER: Sure.

13 BY MR. WALKER:

14 Q. It was to the supplemental prefiled
15 testimony. If you could just read again the
16 page number and the line.

17 A. (Widell) Yes.

18 Q. And for the record, that is Applicant's
19 Exhibit 95.

20 A. (Widell) It is on Page 13, Line 4. It should
21 say "no substantial adverse effect."

22 MR. WALKER: You all set, Peter?

23 MR. ROTH: Yup.

24 WITNESS WIDELL: Thank you.

1 CHAIRMAN HONIGBERG: Is there
2 anyone here from the Business Organizations
3 Group? I don't see anyone.

4 City of Franklin and Berlin?
5 I don't see anyone.

6 Wagner Forest Management? No
7 one here.

8 Counsel for the Public, Mr.
9 Roth.

10 CROSS-EXAMINATION

11 BY MR. ROTH:

12 Q. Good afternoon.

13 A. (Widell) Good afternoon.

14 Q. As I said earlier, it'd perfectly all right
15 with me if Dr. Bunker retired for the day.
16 But if she wants to stay around and watch us,
17 that's fine, too. My questions are going to
18 be for you, Ms. Widell.

19 From what I can discern, you were
20 brought into this case on behalf of Northern
21 Pass, the Applicants, in the spring of 2015;
22 is that correct?

23 A. (Widell) No, it was earlier than that. I'm
24 sorry. It was earlier than that, but I can't

1 recall precisely when. I'm sorry.

2 MR. ROTH: Okay. Can you put up
3 421.

4 BY MR. ROTH:

5 Q. Now, perhaps what you were doing was behind
6 the scenes. But it looks as though from this
7 e-mail from Attorney Bisbee to Mr. Boisvert
8 at NHDR and others at NHDR -- did I get
9 that -- yeah, you were introduced to them
10 with a copy of your resume in March of 2015.
11 And if you look at the last paragraph, "I
12 will also send Cherilyn Widell's resume. As
13 I believe you know, we have retained her to
14 consult with Northern Pass and Preservation
15 Company." Does that refresh your memory?
16 Was it in fact spring of 2015?

17 A. (Widell) I'm sorry. Sitting here right now,
18 I cannot recall precisely.

19 Q. Okay. And at that point, hadn't the
20 Applicant been discussing with DHR how to
21 approach the case and had brought in the
22 Preservation Company and Normandeau
23 Associates to do that work at least since
24 2013?

1 A. (Widell) I'm not aware of when those
2 companies were brought in to work with
3 Northern Pass.

4 Q. Okay. And at the time of your, what I
5 believe was the beginning of your
6 involvement, hadn't in fact the Preservation
7 Company submitted to DHR a draft of their
8 methodology report?

9 A. (Widell) Could you repeat that question? Did
10 you ask when it was -- a draft was submitted?

11 Q. March 3rd, the same e-mail that was sent on
12 March 3rd introducing you and your resume,
13 there was also I believe a copy of a draft
14 report explaining methodology.

15 A. (Widell) Yes.

16 Q. Is that true?

17 A. (Widell) Yes.

18 Q. Okay. And they had also done a number of
19 property identification forms for the town of
20 Lancaster at that point as well, hadn't they?

21 A. (Widell) I cannot recall precisely what had
22 been completed at that point.

23 Q. Okay. Now, I'm showing you the draft that I
24 mentioned, the Preservation Company's

1 methodology report. Have you seen this
2 document before?

3 A. (Widell) Yes, I have.

4 Q. And in this report, the Preservation Company
5 described this work as being done by them,
6 but that you had consulted with Northern Pass
7 and Preservation Company on this report and
8 assisted in the assessment of potential
9 eligibility effects. Isn't that what the
10 draft said at that point?

11 A. (Widell) Yes.

12 Q. Okay. Now, I couldn't find that same
13 statement in the final version. Is that
14 because it wasn't true, or did you not agree
15 with the methodology?

16 A. (Widell) I cannot tell you why it was not in
17 that. I was intimately involved in the work
18 of the review of all of the historic
19 properties and in this report.

20 Q. Okay. So you did participate, but you don't
21 know why that particular sentence was left
22 out. Did you ask that it be taken out?

23 A. (Widell) I did not.

24 Q. Okay. And one of the other things that's

1 different from the draft and the final --

2 MR. ROTH: And can you give me
3 Applicant's 14781.

4 BY MR. ROTH:

5 Q. One of the other things that's different
6 about the draft -- and there are a number of
7 things, but this struck me as more than
8 stylistic -- was that Ms. Monroe said in the
9 final version, "We have not made any
10 assessments in this report relative to RSA
11 162-H criterium on unreasonable adverse
12 effects." Isn't that what she said?

13 A. (Widell) I don't know. Can you show me the
14 portion where it states that in the document?

15 Q. It should be on the screen in front of you.

16 A. (Widell) I'm sorry. Yes, I see it. Thank
17 you.

18 Q. And do you know why that wasn't in the draft?

19 A. (Widell) I do not.

20 Q. Is the reason you are testifying here today
21 and not Ms. Monroe, because Ms. Monroe would
22 not agree to opine that the Project as a
23 whole versus its impact was an appropriate
24 measure?

1 A. (Widell) I certainly cannot speak for Ms.
2 Monroe. I am part of this project because I
3 believe that I bring a great deal of
4 experience and knowledge from having been a
5 state historic preservation officer and
6 worked in the field of identification,
7 assessment and mitigation of large projects
8 such as the Northern Pass Transmission
9 Project.

10 Q. Is it perhaps because Ms. Monroe believed
11 that certain resources would suffer
12 unreasonable adverse effects, and that's why
13 there's an exclusion for it in the final
14 version of the report?

15 A. (Widell) I cannot speak for Ms. Monroe. I
16 can tell you that I do not believe that there
17 is unreasonable adverse effect --

18 Q. I understand that.

19 A. (Widell) -- on this project. And my work
20 with Ms. Monroe, and all of my conversations
21 with her, would lead me to believe that we
22 are in agreement with that.

23 Q. Okay. And so she didn't ever tell you that,
24 jeez, you know, that particular location,

1 that impact is going to be unreasonable?

2 A. (Widell) She never stated that to me.

3 Q. Okay. So, by November 30th of that year,
4 after the report and your testimony was
5 filed, the DHR saw the report and found it
6 lacking, didn't they?

7 A. (Widell) What are you referring to precisely?

8 MR. ROTH: Can you put up 420?

9 BY MR. ROTH:

10 Q. On the December 2nd, the Department of
11 Historic Resources filed a revised letter
12 with the Committee; is that correct? And I'm
13 showing you that letter.

14 A. (Widell) Yes. Thank you. I see it.

15 Q. I'm showing you Counsel for the Public
16 Exhibit 420. And this is a letter from the
17 New Hampshire Division of Historic Resources,
18 dated December 2nd, 2015. Have you seen this
19 letter before?

20 A. (Widell) Yes, I have.

21 Q. In this letter I think you'll find some
22 commentary from the Department of Historic --
23 the Division of Historical Resources about
24 the submittals that had been made by the

1 Applicants to the SEC; is that correct?

2 A. (Widell) Yes.

3 Q. Okay. And on Page 2, next page, if you'll
4 note that second sentence there says, "The
5 DHR also notes that the narrative in the
6 Application and testimonies contains some
7 errors of fact and inconsistencies in its
8 description of the Section 106 process." Is
9 that what they said?

10 A. (Widell) That's what it says in the letter,
11 yes.

12 Q. Okay.

13 MR. ROTH: Go to the next page.

14 CHAIRMAN HONIGBERG: Off the
15 record.

16 (Discussion off the record.)

17 BY MR. ROTH:

18 Q. I think this letter is fairly critical of how
19 this was presented. And in it here, in the
20 second sentence here, didn't they say, "The
21 Application notes that little historical
22 research was completed for the Project area,
23 for individual properties or for potential
24 historic districts"; correct?

1 A. (Widell) That's what the letter states, yes.

2 Q. And, "Conclusions as to whether a property
3 was considered historic were based on a
4 visual assessment and the consultant's
5 judgment, rather than on an understanding of
6 a property's history and an analysis of its
7 significance..."; correct?

8 A. (Widell) The letter states that.

9 Q. And did you agree with those conclusions that
10 they made?

11 A. (Widell) I do not agree with those
12 conclusions at all. I believe that the
13 assessment that was put together was fully
14 Section 106-compliant, in that we used the
15 National Park Service standards --

16 Q. Okay.

17 A. -- for determining whether properties were
18 eligible. And we also used the definition
19 for "adverse effect" to determine effects in
20 that assessment report.

21 Q. Okay. Didn't they also say there that the
22 identification findings were not
23 research-based and were not reviewed by a
24 Section 106 lead federal agency or state

1 historic preservation office?

2 A. (Widell) It states that, yes. I think it's
3 important --

4 Q. Was that also true, as far as you know?

5 A. (Widell) If I can finish. I think it's
6 important. You asked me about the meeting in
7 March of 2015. One of the things that we
8 requested the DHR to do was to look at the
9 assessment report, some of the forms in it,
10 and comment on it.

11 Q. And didn't they tell you they wouldn't do
12 that?

13 A. (Widell) Yes.

14 Q. In fact, Mr. Boisvert wrote to you -- wrote
15 to Mr. Bisbee on March 3rd, the same day this
16 was being arranged, and said, "I see your
17 request regarding our providing guidance on
18 the approach NPT may take for the SEC
19 Application. But as we have discussed in
20 prior meetings with you, we will not be
21 offering an opinion or guidance on the
22 documents." Isn't that what he said?

23 A. (Widell) I don't have that letter in front of
24 me, so I can't concur with that. I'm sorry.

1 MR. ROTH: Dawn, can you put the
2 ELMO up for a second?

3 A. (Widell) Thank you.

4 BY MR. ROTH:

5 Q. I'm showing you an e-mail that was from
6 Director Boisvert to Mr. Bisbee, Attorney
7 Bisbee. Did you see this e-mail before?

8 (Witness reviews document.)

9 A. (Widell) I cannot recall if I have seen that
10 precise e-mail, but I certainly have the
11 information.

12 Q. Okay. So you did -- you said the Applicants
13 had gone to DHR and asked for guidance on
14 this. And was it also your understanding
15 that DHR, apparently more than once, said no,
16 that they wouldn't give that guidance?

17 A. (Widell) I don't know if it was more than
18 once. But they certainly did not give us
19 guidance.

20 But I would point out that this
21 information is two years old almost. We have
22 done an extraordinary amount of work since
23 all of this which meets all of the
24 requirements for Section 106. We

1 have concluded --

2 Q. Ms. Widell, can I just stop you? We're going
3 to go through a lot of that stuff, so you'll
4 have plenty of time to talk about it. You
5 don't need to extrapolate upon what you have
6 done after this. We have sort of a rhythm
7 here that I'd like to stick to. Believe me,
8 we will go through it all.

9 MR. ROTH: And can I go back to
10 the overhead and back to the letter? Can you
11 give me the bottom paragraph of that page?

12 BY MR. ROTH:

13 Q. And in this letter, the December 2nd letter,
14 didn't they also note that your assessment of
15 the impacts was at odds with that used under
16 the standard review methods under 106? Isn't
17 that what they said?

18 A. (Widell) No, not exactly. They talked about
19 using a different way of doing viewshed
20 analysis. Now, there are many ways to do
21 viewshed analysis if you were analyzing
22 visual impacts in the Section 106 process.
23 They were pointing out a way that I guess the
24 Department of Energy was doing it in this

1 particular case. But there is no accepted
2 standard under Section 106 for using a
3 particular type of CAD or Google. It is what
4 works well for the Applicant.

5 Q. Well, apparently you and DHR are of differing
6 views on that, because they said the method
7 used to assess whether historical properties
8 were within view of the proposed project in
9 the Application also differs from the
10 viewshed mapping prepared for the Section 106
11 review. Isn't that what they said?

12 A. (Widell) It states that, yes. But I would
13 clarify that once again. There may be a way
14 that DHR is most familiar or DOE is most
15 familiar with for doing viewshed analysis.
16 But there is no standard for Section 106 for
17 determining visual impacts related to
18 modeling.

19 Q. But in either case, DHR was not satisfied
20 with the method that you had chosen, and they
21 said the results differed between the two
22 methods. Didn't they say that?

23 A. (Widell) The results they did not talk about
24 in this statement. So the viewshed analysis

1 that was being used by Northern Pass was
2 different than the viewshed analysis that was
3 being used by the Department of Energy, yes.

4 Q. Okay. Thank you.

5 And then this next paragraph, they also
6 said that using out-of-state guidelines, and
7 I think this refers to the Vermont and
8 Virginia guidelines that were referenced in
9 the Preservation Company's report, was in
10 error, and you should have applied the
11 federal guidelines under 36 CFR 800.5;
12 correct?

13 A. (Widell) It states that in the letter. We
14 definitely in the assessment report
15 definitely used 36 CFR 800.5. That is the
16 standard that's used by the Advisory Council
17 on Historic Preservation for determining
18 adverse effects. I believe what you are
19 referring to are what we would -- we used as
20 tools. And I think we made that very clear
21 in the assessment report. For applying this
22 particular federal regulation related to
23 visual effects, those tools are from Virginia
24 and from Vermont, as you stated, and they are

1 very important tools for determining visual
2 effect in our case for applying this
3 particular federal regulation. So, yes, we
4 used this federal regulation. We did not use
5 a different one.

6 Q. Okay. But it appears from this letter that
7 DHR didn't agree with that, and they said,
8 "This format has not been adopted in the
9 state of New Hampshire, which uses a format
10 that more closely tracks language and
11 considerations given at 36 CFR 800.5." And
12 doesn't that at least suggest that they
13 didn't believe you followed 800.5?

14 A. (Widell) I can't speak to that. What it
15 suggests to me is that they did not
16 understand how we used these tools and that
17 we were applying the federal regulations for
18 adverse effects.

19 Q. And in that last sentence there, they said,
20 "Given that, as well as the methods used to
21 identify resources, the DHR cannot agree with
22 the Application's assessment of effects to
23 historical resources." Isn't that what they
24 thought?

1 A. (Widell) It states that in their letter.

2 Q. Yeah.

3 I'm showing you Applicant's 116. And my
4 question for you: Isn't it true that the
5 Preservation Company's methodology that they
6 employed in assessing the -- identifying and
7 assessing resources that was filed along with
8 your testimony, and upon which your testimony
9 is based, was not consistent with the DHR
10 guidelines that were published in December?
11 Isn't that correct?

12 A. (Widell) The DHR guidelines that were
13 published? Can you tell me --

14 Q. In December of 2015.

15 A. (Widell) I'm not sure which guidelines
16 you're referring to. I'm sorry, Peter.

17 Q. They're in front of you. These are
18 guidelines that were promulgated by DHR in
19 December of 2015. Are you not familiar with
20 these?

21 A. (Widell) Yes, I am familiar with these. I
22 didn't realize that you had changed the
23 visual. Thank you.

24 Q. Sorry.

1 (Witness reviews document.)

2 Q. Don't those guidelines require for compliance
3 with SEC rules, at least as DHR sees them,
4 that applicants prepare detailed inventory
5 forms for the project of the sort that the
6 Preservation Company belatedly did in the
7 latter half of 2016, after your opinion was
8 made?

9 A. (Widell) We fully complied with these
10 guidelines. And as I indicated to you,
11 basically you're talking ancient history now
12 because the inventory forms that have been
13 completed are fully in compliance with this
14 policy memorandum, as are the effects tables
15 that have been done are related to the
16 federal regulation provision that you just
17 cited. So I think that the work product that
18 is now before DHR, who has been extremely
19 helpful with Northern Pass in preparing all
20 of this and reviewing it, is fully consistent
21 with their policy memorandum here.

22 Q. I actually don't disagree with you about
23 that. What I'm referring to is the report
24 and documentation that was provided as of --

1 at the time you made your opinion and at the
2 time that the Application was filed. That
3 was not compliant with these guidelines, was
4 it?

5 A. (Widell) It was fully Section 106-compliant,
6 that report. As I indicated to you earlier,
7 the standards that we used to determine which
8 properties were eligible for consideration
9 that had significance and integrity, those
10 were the standards that are used by the
11 National Park Service for the Section 106
12 process by the Advisory Council. And
13 further, we also then used the definition for
14 finding an adverse effect from 36 CFR, Part
15 18, and applied it. We used those tools
16 that assist you in determining how to find
17 visual adverse effect from Vermont and
18 Virginia. But the assessment report that I
19 based my finding of no unreasonable adverse
20 effect absolutely was consistent with
21 Section 106.

22 Q. That's your opinion. But DHR apparently did
23 not agree with you, did they?

24 A. (Widell) They did not.

1 Q. Okay. And even though, you know, maybe you
2 didn't know at that time that DHR didn't
3 agree with you, but the approach that you
4 followed is what you -- the approach that the
5 Preservation Company followed is what you
6 relied on for your opinion; correct? You
7 didn't rely on all of the stuff that's been
8 done since then; correct?

9 A. (Widell) That's absolutely not true.

10 Q. Let me just stop you because there's a
11 logical problem with what you just said.

12 At the time that you rendered your
13 opinion, all of the stuff that's been done
14 since then didn't exist, did it?

15 A. (Widell) That's correct. It did not exist.
16 But what I --

17 Q. So you could not have relied on it.

18 A. (Widell) What has been done has only further
19 established and confirmed my original
20 testimony that this Project will not have an
21 unreasonable adverse effect on historic
22 resources.

23 The original assessment report that was
24 done was extremely thorough. We looked at

1 every single property that was in the area of
2 potential effect, which was 1284 properties.
3 We further then determined which ones, as I
4 stated, would meet those federal
5 requirements with the Park Service --

6 Q. That's all very nicely explained in your
7 report.

8 A. (Widell) So there are 194 properties. And
9 then from that we determined there would be
10 12 adverse effects. Since then --

11 Q. Yes. Ms. Widell, that's --

12 CHAIRMAN HONIGBERG: Ms. Widell,
13 Ms. Widell --

14 WITNESS WIDELL: Yes. Okay.

15 CHAIRMAN HONIGBERG: Please
16 let's stick to the questions that Mr. Roth asks
17 you.

18 WITNESS WIDELL: I'm sorry.
19 Thank you.

20 CHAIRMAN HONIGBERG: And at a
21 later time, if you haven't had an opportunity
22 to say things you want to say, I'm certain that
23 Mr. Walker will give you an opportunity to
24 answer those questions, or Mr. Bisbee, whoever

1 is doing the examination at the time.

2 WITNESS WIDELL: Thank you.

3 MR. ROTH: Thank you, Mr.

4 Chairman.

5 BY MR. ROTH:

6 Q. Other than the individual inventory forms and
7 the like that have been prepared since
8 basically June of 2016, has the Preservation
9 Company gone back, re-analyzed all of the
10 various resources that it identified in its
11 original report and prepared an updated
12 report for you and the Site Evaluation
13 Committee?

14 A. (Widell) No, not exactly.

15 Q. Okay.

16 A. (Widell) I would say that Preservation
17 Company has done some of the DHR inventory
18 forms on precisely a number of the resources
19 that were in the assessment form.

20 Q. I understand that. And I allowed you that in
21 my question, that that had been done.

22 Isn't it true that your opinion is based
23 on -- that the opinion in your testimony is
24 based upon the Preservation Company's

1 October 2015 report?

2 A. (Widell) It is based on my full review of
3 that report and --

4 Q. And the appendix.

5 A. (Widell) -- and the appendix and site visits.
6 I have traveled the entire length of the
7 Project, and I have been involved in the
8 discussions of both significance and
9 integrity on those properties, as well as the
10 application of the definition of "visual
11 adverse effect" on that.

12 Q. Okay.

13 A. (Widell) And I have also reviewed all of the
14 new inventory forms and --

15 Q. And you've already made that point. You
16 don't need to repeat it.

17 A. (Widell) Thank you.

18 Q. Isn't it also true that the Preservation
19 Company's report is based on a methodology
20 and an approach that was discredited and
21 rejected by DHR?

22 A. (Widell) I would say that it is -- the letter
23 states that it is inconsistent with the
24 format that DHR is most used to.

1 Let me explain. DHR has very precise
2 inventory forms, both for individual
3 properties and for what they call "large
4 areas." The information that we provided to
5 them in the assessment form were not on those
6 inventory forms, and that was concerning.
7 That information now is on the forms that DHR
8 likes to receive the information in and uses
9 for their Section 106 process.

10 (Pause)

11 Q. Based on this sentence, would you agree with
12 me that DHR wasn't just concerned about
13 forms, they were actually concerned that the
14 methods used to identify resources, they
15 couldn't agree with the Applicant's -- the
16 Application's assessment of effects? Isn't
17 that what they said? This wasn't just about
18 forms, was it?

19 A. (Widell) It was about the identification of
20 properties, first and foremost. And that
21 is -- we were talking about two processes
22 here. We have the SEC process for submission
23 of the information for evaluation, assessment
24 and mitigation, and then we have the Section

1 106 process. The Section 106 process is
2 entirely dependent upon the federal agency to
3 identify the historic properties that are
4 going to be assessed for effect. At the time
5 that we were -- we submitted the Application
6 and prepared that assessment form, the
7 Department of Energy had barely begun its
8 project area forms or the list of properties
9 to be inventoried.

10 Q. This letter was written to Pamela Monroe of
11 the Site Evaluation Committee; correct?

12 A. (Widell) Yes.

13 Q. And in it, on Page 2 --

14 MR. ROTH: Can you give me
15 Page 2, the top paragraph?

16 BY MR. ROTH:

17 Q. They weren't commenting on what was going to
18 DOE. They were commenting on what was in the
19 SEC application, weren't they?

20 A. (Widell) Yes, but let me explain. They were
21 looking at the list of properties to be
22 assessed and specifically talked about the
23 fact that the list had not been acquired from
24 the Department of Energy, as is normal for

1 the Section 106 process.

2 MR. ROTH: Can you give me
3 Applicant's 38?

4 BY MR. ROTH:

5 Q. Okay. So as I understand it, in response to
6 DHR's letter which was originally published
7 on November 15th, but was updated on
8 December 2nd in ways that are not material to
9 this conversation, as a result of that
10 letter, the Applicants and DHR entered into
11 this Memorandum of Understanding. That's
12 Applicant's Exhibit No. 38. Can you see that
13 now?

14 A. (Widell) Yes, I can. Thank you.

15 Q. And you're familiar with this document?

16 A. (Widell) Yes, I am.

17 Q. All right. And the MOU, if I may call it
18 that, required Applicants to complete survey
19 forms in accordance with NHDHR standards and
20 to have them all in by October 31, 2016. Is
21 that your recollection?

22 A. (Widell) I believe -- I'm not completely firm
23 on the date. But yes, that's exactly the
24 intent of the memorandum, among other things,

1 yes.

2 MR. ROTH: Can you give me the
3 third page? Give me the fourth, not the third.

4 BY MR. ROTH:

5 Q. And you can see here Paragraph 6, close to
6 the top, "NPT shall use best efforts to
7 complete all above-ground historic resources
8 survey forms by October 31, 2016."

9 A. (Widell) Yes.

10 Q. Okay. Now, that wasn't a hard stop, but that
11 was a best efforts kind of thing.

12 A. (Widell) Yes.

13 Q. And did you make that deadline?

14 A. (Widell) I... no, we did not.

15 Q. Okay. Is it fair to say that the process of
16 inventorying those resources on the forms
17 that DHR wanted is ongoing still?

18 A. (Widell) No, it's pretty well completed.
19 There are 123 forms that have been submitted
20 to DHR and they have reviewed. There are
21 about eight that were an additional request
22 from them, I believe just in the last two
23 weeks. But the identification of the
24 historic properties in the area of potential

1 effect on the survey forms that DHR wanted
2 them has been completed.

3 Q. And when was that completed? In March?

4 A. (Widell) No, just in the -- very recently.
5 In July.

6 Q. In July?

7 A. (Widell) Hmm-hmm.

8 Q. All right. Now, cranking the wayback machine
9 again a little bit here, by January of 2016,
10 only a month or so after the MOU, the letter
11 suggests --

12 MR. ROTH: Can you give me
13 Exhibit 419?

14 BY MR. ROTH:

15 Q. -- that DHR was expressing some frustration
16 that, quote, key agreements of the MOU was
17 being neglected. And I'm showing you Counsel
18 for the Public 419, which is a letter from,
19 again, Mr. Boisvert to Mr. Bisbee.

20 According to Mr. Boisvert, it appears
21 that he was not getting the monthly reports,
22 quarterly meetings or the cultural resources
23 professional tasked to work directly with
24 NHDHR; correct?

1 A. (Widell) That is what the letter states. I
2 would particularly point out that the
3 Memorandum of Understanding was done in
4 December. And very soon thereafter, and I
5 would hope that you would have the letter
6 indicating this, the monthly reports were
7 done. Northern Pass hired a qualified,
8 meaning Secretary of Interior Standards
9 professional, to manage all of the cultural
10 resource above-ground and underground for the
11 Project. And I believe the concerns in this
12 letter were very much resolved in a very
13 short amount of time following this.

14 Q. That's good.

15 A. (Widell) I would also point out that the
16 Memorandum of Understanding was done in the
17 beginning of December, and this is the
18 beginning of January. And I'm pretty busy
19 during that time in my life, so perhaps some
20 things were not done.

21 Q. But it was sufficiently important to Mr.
22 Boisvert to write to Attorney Bisbee and send
23 a copy to the Site Evaluation Committee,
24 wasn't it?

1 A. (Widell) He clearly did that, yes.

2 MR. ROTH: And can I get 424?

3 BY MR. ROTH:

4 Q. Now I'm showing you Counsel for the Public
5 Exhibit 424. And a few months later,
6 April 19th, Mr. Boisvert is unhappy again and
7 complaining. And if you look at the second
8 page, that's 516, it says, "Dear Catherine,
9 thank you for the monthly report. It is
10 encouraging to see progress on the new
11 position, the work plan review and
12 archeological investigations. However, it
13 appears that no progress has been made on
14 above-ground investigations." Isn't that
15 what he said?

16 A. (Widell) That is what it says in this e-mail.

17 Q. Okay. And if you look at Catherine
18 Finneran's reply on April 21st, she said, "We
19 are 'doubling down' on our efforts right now
20 to ensure we meet our own needs for the
21 Project schedule, as well as our obligations
22 under the MOU"; correct?

23 (Witness reviews document.)

24 A. (Widell) It must be on the next page.

1 Q. It's on the first page. Sorry.

2 A. (Widell) Thank you. Okay. Yes.

3 MR. ROTH: And then go to the
4 last page, 17 -- no, not the last page, the
5 next to the last page, 17. And highlight the
6 top two paragraphs.

7 BY MR. ROTH:

8 Q. Now, it appears at this point in Mr.
9 Boisvert's letter and his e-mail, he notes
10 that, as noted in an e-mail, in a previous
11 mail, I guess, "The DHR encourages Eversource
12 to focus on the expedited completion of
13 survey for above-ground properties
14 recommended by DHR and the Department of
15 Energy. Instead, Eversource has decided to
16 re-evaluate or refine the list." And then he
17 made some comments about the Seacoast
18 Reliability Project. And he closed, "Those
19 recommendations should not be re-evaluated
20 based on the Seacoast Reliability Project,
21 particularly in light of the questions that
22 Eversource and its consultant continue to
23 have about the survey methods needed for it."

24 I don't know exactly what he meant

1 there, but it seems to me what he was saying
2 is that, rather than comply with the MOU and
3 produce the forms, the Applicants were
4 instead trying to essentially rewrite the
5 rules of the game. Wouldn't you get that
6 from what he's saying here?

7 A. (Widell) No, I can't speculate on this.

8 Q. And is it fair to say that the first real
9 identification of resources pursuant to the
10 MOU began in June of 2016; correct?

11 A. (Widell) I am not sure of that. It would
12 have been entirely dependent on the list
13 being developed by the Department of Energy
14 through the project area forms.

15 Q. I'm showing you an e-mail --

16 A. (Widell) No, I don't have it. I'm sorry.

17 Q. There it is.

18 A. (Widell) Thank you. I see it.

19 Q. Okay. This is an e-mail from Catherine
20 Finneran, dated Wednesday, June 15th, 2016.
21 And this we obtained through discovery. And
22 in it, it says, "The first inventory form is
23 being submitted this week, and we expect to
24 be producing them on a regular rolling basis

1 from now until late fall when we hope to
2 complete, as anticipated, the MOU."

3 Does that refresh your recollection
4 about getting the forms done by -- or
5 starting the forms in June?

6 A. (Widell) Yes.

7 Q. So I'm looking now at your supplemental
8 testimony, and there are a number of points
9 here I wanted to ask you about.

10 MR. ROTH: So could you give us
11 95, Applicant's.

12 A. (Widell) Yes, I have a copy of it in front of
13 me so I can...

14 BY MR. ROTH:

15 Q. Okay. And if you look at Page 1, as you said
16 a moment ago, the Project considered 1284
17 separate properties or districts. Of that
18 total, you determined 194 had a sufficient
19 visual relationship with the Project to merit
20 further assessment of their historical
21 character -- sorry -- their historic
22 character and potential effects of the
23 Project. And then you did, on the next page,
24 the assessment report, detailed historic

1 resource forms for those 194; correct?

2 A. (Widell) Yes.

3 Q. What do you mean by "sufficient visual
4 relationship"?

5 A. (Widell) A sufficient visual relationship is
6 where there is view of the Project from
7 either the property or the parcel itself, and
8 it is based on the viewshed analysis. There
9 might not be, but that is the primary --
10 beginning point is the viewshed maps that
11 indicate whether there is a possible view of
12 the Project on the property or the parcel
13 associated with it historically.

14 Q. Okay. So at this point there wasn't any
15 slicing and dicing along the lines of more
16 than minimal, minimal, substantial, that sort
17 of thing?

18 A. (Widell) Absolutely there was, in that
19 anything that was a minimal view -- meaning
20 there was no view or it was very distant --
21 we did not include that. The viewshed
22 analysis was just the beginning point. Then
23 we looked at the property on site and then
24 did computer modeling to determine the extent

1 of the view, possible view of the Project
2 with the historic property.

3 Q. So is it fair to say that using this computer
4 modeling and the viewshed analysis, if the
5 computer said no view, that property wasn't
6 considered any further?

7 A. (Widell) Absolutely not. That's not an
8 accurate statement whatsoever, no.

9 Q. Okay. And if it said minimal view, there was
10 no further consideration.

11 A. (Widell) That is not an accurate statement
12 either. The viewshed analysis is based on,
13 as I said, first, the site visit to see
14 whether there is a view now of the existing
15 transmission corridor. The transmission
16 corridor has been there 90 years in many
17 places, at least 60 years in many other
18 places. So you're able to determine that if
19 there is visibility now, there is likely to
20 be visibility with a project where there's an
21 increase in height.

22 Q. So if there's no visibility of the existing
23 transmission corridor, was that particular
24 property excluded from further analysis?

1 A. (Widell) Not necessarily. If the viewshed
2 mapping showed that there was a potential
3 view, then we also moved to a computer
4 modeling of the views from the possible area
5 of both the building and the associated
6 historic parcel.

7 Q. And did you design that computer model?

8 A. (Widell) I did not.

9 Q. Did you --

10 A. (Widell) It was designed -- the model of the
11 Project itself was designed by the engineers
12 who have the data to inform the computer to
13 determine that.

14 Q. Did you run the model to make those
15 determinations?

16 A. (Widell) I did not run the model, no.

17 Q. And who did that? Was that the engineers?

18 A. (Widell) No. The model was run through two
19 trained individuals at Preservation Company
20 who spent time with Terry DeWan, our visual
21 assessment consultant.

22 Q. Do you know anything about how that model
23 worked?

24 A. (Widell) From a computer standpoint, no.

1 Q. Or even a logic standpoint?

2 A. (Widell) Absolutely from a logic standpoint,
3 yes -- meaning, in my logic as a historic
4 preservation professional, looking at whether
5 those views might affect what we call
6 "character-defining features of the
7 property," meaning will it affect what is
8 significant about that property. And that is
9 what we are trying to get to when we do a
10 visual analysis of historic properties,
11 whether the Project is likely to affect the
12 integrity and significance of the property.

13 Q. Understood. I'm talking about the model. So
14 the model has in it -- the model is trained
15 or designed to make determinations about
16 significance and integrity?

17 A. (Widell) No. You apply different layers of
18 the view of the Project and the property
19 itself. You start with a topography, a
20 Google Earth topography, and then build upon
21 it 3D modeling. If there is an existing
22 woodland, then there is a tool that you can
23 build a 40-foot tree wall. There's also an
24 ability to put in 3D if there are buildings.

1 And then there is an ability to view anywhere
2 in the property from what is called the "peg
3 men."

4 Q. But you didn't operate the model and you
5 didn't design the model; right?

6 A. (Widell) That's correct.

7 Q. Okay. Is the approach that the modeling took
8 part of at least what DHR singled out in its
9 letter and said the results differed between
10 the two methods?

11 A. (Widell) I'm not sure which letter. Can you
12 repeat that question for me, please? Thank
13 you.

14 Q. In the letter that I showed you a minute ago,
15 and if we need to, I can bring it back up
16 again from DHR, where they said the results
17 differed between the two methods, is that
18 what we're talking about now, this modeling
19 that was done wasn't satisfactory to DHR?

20 A. (Widell) I cannot be sure completely of the
21 intent of DHR. But I believe what DHR was
22 referring to was the viewshed mapping.

23 Q. Okay.

24 A. (Widell) The viewshed mapping that was used

1 by Northern Pass had one format and the
2 viewshed map for the Department of Energy had
3 another.

4 Q. Okay. Have you and Preservation Company made
5 any determination as to how much difference
6 it makes?

7 A. (Widell) Between the two models?

8 Q. Between the way you approached viewshed
9 mapping and the way DHR thought you should
10 approach viewshed mapping.

11 A. (Widell) Viewshed mapping is a tool that is
12 developed by those that model views from a
13 particular distance. I am not a professional
14 in computer modeling for viewshed mapping.

15 Q. Okay. The question was: Did you or the
16 Preservation Company make any determination
17 about how much difference using one of those
18 methods over the other makes?

19 A. (Widell) It wasn't necessary, and it isn't
20 necessary --

21 Q. So answer is "No"?

22 A. (Widell) No. If I could explain?

23 Q. Sure.

24 A. (Widell) The viewshed map that was used for

1 the assessment report provided us with
2 information to look at the possible effects
3 to historic properties. It was combined with
4 those used by the Department of Energy in
5 consultation with the DHR to look at the
6 effects on the historic properties that had
7 been identified and completed in the survey
8 forms. So now we have benefit of both of
9 those viewshed maps.

10 Q. Okay. But you didn't go back and look at the
11 two together and make a determination about
12 how much difference it made.

13 A. (Widell) It wasn't necessary. They're
14 informing fully the information that we are
15 providing to both DHR and SEC at this time,
16 and it's being used to complete the Section
17 106 process.

18 Q. Okay. So the answer is still "No."

19 A. (Widell) Yes, that's true.

20 Q. The approach that you took or the
21 Preservation Company took, both with the
22 viewshed mapping and the computer model that
23 you used, didn't that result in screening out
24 over a thousand potentially affected

1 resources before assessment of their
2 character and any of the effects of the
3 Project?

4 A. (Widell) No. Let me explain.

5 Q. Certainly.

6 A. (Widell) Many of those properties did not
7 have sufficient integrity or significance to
8 be considered historic properties and they
9 were not included.

10 Q. So I guess what I don't understand is, so you
11 went back after you excluded a bunch of
12 properties based on the viewshed and the
13 computer modeling, and then you assessed them
14 for integrity and significance?

15 A. (Widell) No. You always begin by determining
16 significance.

17 Q. You don't begin by how big is your APE and
18 how many properties of at least 50 years old
19 are in it? Isn't that where you begin?

20 A. (Widell) You begin with the APE and the
21 number of properties that are 50 years or
22 older, unless there is something less than
23 that that needs to be considered. Yes,
24 that's exactly how you begin.

1 Q. Okay. Thank you.

2 Now, you also said in your supplemental
3 testimony that you've done much work to
4 advance the Section 106 process. Having
5 looked at a lot of it, I would concur with
6 that. And you said that the result is that
7 additional resources have been identified
8 that may be potentially affected by the
9 Project, and additional assessments have been
10 performed. Do you remember saying that in
11 your supplemental?

12 A. (Widell) Yes.

13 Q. Thank you. And you didn't do that work
14 yourself, though, did you?

15 A. (Widell) I participated in the review of
16 those properties, yes.

17 Q. But the research, the investigation, the
18 preparing of the forms, all that stuff was
19 done by the Preservation Company, wasn't it?

20 A. (Widell) Yes, that's true.

21 Q. Okay. And isn't it true that the previous
22 screening may have overlooked some of the
23 resources that were identified later, the
24 first time around -- if at five minutes of

1 five anybody can untangle that question?

2 A. (Widell) No, we have yet to find a property
3 that hadn't been included on our original
4 list of properties within the area of
5 potential effect. Not that there couldn't be
6 one out there, but we have no -- we have not
7 had any brought to us. There have been
8 different ways of looking at the properties
9 from districts. But no.

10 Q. How about the Plain Road Historic District in
11 Dummer? That wasn't in your report
12 initially, was it?

13 A. (Widell) That's correct, it was not. But
14 there were the pieces and parts, as I said,
15 of it. They're individual properties that
16 made up the Plain Road District we had
17 identified in the assessment report.

18 Q. Ah, okay. Thank you for that clarification.
19 So how many more did you find?

20 A. (Widell) How many more did I --

21 Q. You said additional resources have been
22 identified. So how many more of them are
23 there?

24 A. (Widell) I'm sorry. I'm not understanding.

1 Q. In your testimony you said the result of all
2 this extra work under 106 is that additional
3 resources have been identified.

4 A. (Widell) Yes.

5 Q. How many more?

6 A. (Widell) I have some information here. They
7 have been in the underground section.

8 Q. So, only the underground?

9 A. (Widell) No. There have been a 123 survey
10 forms completed. But that is out of a total
11 of 186 properties for the survey that is
12 being done under Section 106 for DHR. They
13 have reviewed all those historic properties.
14 The assessment form had approximately 194.
15 So you see that there was many
16 similarities --

17 Q. Sounds like --

18 A. (Widell) -- not identical, but many
19 similarities.

20 Q. I'm just trying to figure out what's going
21 on, because it sounds like what you said is
22 there's less. But you said additional
23 resources have been identified, and I'm
24 trying to understand how many of them there

1 were.

2 A. (Widell) The additional resources were mostly
3 in the underground section.

4 Q. Okay. And those you've done property
5 identification forms for those -- or
6 inventory forms, I should say?

7 A. (Widell) Yes, they have been --

8 Q. And how many of them are there?

9 A. (Widell) If you'll give me a moment, I should
10 have information for you. I did not memorize
11 all this.

12 Q. Oh, I understand. This is an open-book test.
13 And while you're looking, perhaps you
14 can find how many others that were not on the
15 underground route.

16 (Witness reviews document.)

17 A. (Widell) Well, nine individual properties
18 were included as districts.

19 Q. And those are above ground?

20 A. (Widell) It doesn't say, Peter.

21 Q. I'm sorry?

22 A. (Widell) It doesn't say.

23 Q. So you don't know how many additional
24 resources have been identified.

1 A. (Widell) On the underground precisely, I
2 cannot answer that sitting here. No, I
3 can't.

4 Q. And above ground, you say nine individuals
5 are included in districts.

6 A. (Widell) Well, I'm assuming some of that is
7 the underground. The total number of
8 Northern Pass properties in the universe of
9 the Division of Historic Resources is 186.
10 But then they actually requested 123
11 inventory forms to be completed, and then
12 there's a number of other things related to
13 that which --

14 Q. Okay. And the reason that there's 123
15 inventory forms and 186 properties is that
16 some of the inventory forms include more than
17 one property?

18 A. (Widell) Yes. Some are also included in
19 cultural landscape studies that have been
20 submitted. Some are properties that have
21 already been inventoried or listed on the
22 National Register.

23 Q. Okay. Now, the cultural landscape studies,
24 those are the broad-based two or three of

1 them that have been -- that they're working
2 on now; correct?

3 A. (Widell) No, that's not accurate. There are
4 two or three that have been submitted to DHR
5 so far, but there's actually 11 cultural
6 landscape reports that have been done. And
7 they do incorporate a number of the surveyed
8 inventory properties as well.

9 Q. And so those cultural landscape studies have
10 been submitted to DHR at this point?

11 A. (Widell) I believe two of them have been
12 submitted so far.

13 Q. Okay. Because a moment ago you said 11 have
14 been submitted. So now there's two?

15 A. (Widell) No, no. No, I'm sorry. No.
16 Forgive me if I made an error. I did not
17 mean that 11 had been submitted. Eleven have
18 been completed.

19 Q. Okay. They just haven't gone out the door
20 yet.

21 A. (Widell) That's correct.

22 Q. All right. Did you prepare any of the
23 various inventory forms submitted to DHR?

24 A. (Widell) I did not prepare them, but I

1 reviewed all of the information and
2 photographs and mapping on them.

3 Q. Did you review the inventory forms?

4 A. (Widell) Did I review the inventory forms?

5 Yes. They were done by a number of
6 consultants, as you know. And yes, I did
7 review all of them.

8 Q. Have you attended any of the quarterly
9 meetings at DHR?

10 A. (Widell) I attended no quarterly meetings,
11 no. I attended meetings with DHR earlier,
12 yes.

13 Q. Okay. Did you prepare any of the monthly
14 reports?

15 A. (Widell) I did not prepare any of the monthly
16 reports.

17 Q. Okay. On Page 3 of your testimony you say,
18 "We have completed many NHDHR effects
19 tables." And does that "we" actually include
20 you, or was that all done by the Preservation
21 Company?

22 A. (Widell) No, I was very much involved in the
23 review and discussions about the effects
24 tables.

1 Q. And when you say "many," we have 27 of them.
2 Is that what you mean by "many"?

3 A. (Widell) There are others that are in draft
4 form that I am reviewing and working on now.

5 Q. All right. But 27 is what's been submitted
6 so far?

7 A. (Widell) Yes.

8 Q. Now, on Page 5 of your testimony, you
9 criticize Heritage Landscape's use of a
10 10-mile APE as a misapplication of the SEC
11 rules. Do you remember saying that?

12 A. (Widell) Yes.

13 Q. Are you an attorney?

14 A. (Widell) No.

15 Q. Have you previously worked on any SEC
16 matters?

17 A. (Widell) No.

18 Q. And other than in this case, have you ever
19 seen the Site Evaluation Committee's rules
20 before?

21 A. (Widell) No.

22 Q. And what makes you qualified to render an
23 opinion on what is a misapplication of the
24 rules?

1 A. (Widell) Because the definition of an APE in
2 the SEC rules comes directly from the
3 Section 106 process, which is, in this case,
4 it was determined by DHR in consultation with
5 a federal agency, in this case, the
6 Department of Energy.

7 Q. Okay. And we'll go over that in a minute or
8 maybe tomorrow.

9 MR. ROTH: How long do we go
10 today? Maybe we should stop now.

11 CHAIRMAN HONIGBERG: I believe
12 there are some who would say that. I would say
13 sometime in the next 15 to 20 minutes. That
14 makes sense. I mean, if you need to go all the
15 way to 5:30, that's okay, too. Let's see if we
16 can wrap it up within the next 30 minutes.

17 MR. ROTH: Okay.

18 CHAIRMAN HONIGBERG: Not wrap
19 your day. I understand what you mean. Get to
20 a logical breaking point.

21 MR. ROTH: All right.

22 BY MR. ROTH:

23 Q. Now, on Page 11 of your testimony, in
24 Footnote 4, you make another legal opinion

1 about misapplication of the NH SEC
2 requirement that the Project not have an
3 unreasonable adverse effect on historic
4 sites. Do you remember that in Footnote 4?

5 A. (Widell) Yes, I see the Footnote 4. And it
6 refers specifically to the statement, "Mr.
7 Newman reviewed only resources located in the
8 town of Deerfield and found that two historic
9 districts there present unreasonable adverse
10 effects." So the footnote is referring to
11 that statement.

12 Q. So you say here, "The assessment of
13 unreasonable adverse effect is for the
14 Project as a whole." Isn't that what you
15 said here? Is that your legal opinion?

16 A. (Widell) I don't state that it is applicable
17 to the entire -- I just say that this is a
18 misapplication of the requirement that the
19 Project not have an unreasonable adverse
20 effect on historic sites.

21 Q. But you say here, "The assessment of
22 unreasonable adverse effect is for the
23 Project as a whole." That's your opinion and
24 your --

1 A. (Widell) Yes, it is.

2 Q. And I just want to -- so you cited 301.14 for
3 that. That's one of the rules. And RSA
4 162-H:16 IV(c); correct?

5 A. (Widell) Yes.

6 Q. And did you read those provisions?

7 A. (Widell) Yes.

8 Q. Are you familiar with those?

9 A. (Widell) I don't have it memorized, the exact
10 site, but --

11 Q. We'll look at the rule.

12 A. (Widell) But I would expect they're related
13 to the finding of unreasonable adverse effect
14 for historic sites.

15 Q. Okay. But you have read them.

16 A. (Widell) Yes.

17 Q. All right. And did you write this argument
18 in this footnote, or did one of the attorneys
19 write that?

20 A. (Widell) No, I wrote my entire testimony
21 myself.

22 MR. ROTH: All right. Can you
23 give me 301.14?

24 BY MR. ROTH:

1 Q. Okay. We're showing you Site Evaluation
2 Committee Rule 301.14. And you cited (b)?

3 A. (Widell) Yes.

4 Q. And it looks like there are five subparts to
5 that. Can you show me where in there it says
6 "project as a whole"?

7 A. (Widell) It does not.

8 Q. Okay. And based on your recollection, do you
9 remember whether anything in RSA 162-H:16
10 says "project as a whole"?

11 A. (Widell) I couldn't recall that precisely.

12 Q. Okay. I'll represent to you that it does
13 not. Will you accept that?

14 A. (Widell) Yes.

15 Q. Thank you.

16 For purposes of this project in front of
17 the Site Evaluation Committee, you used the
18 one-mile APE, you and the Preservation
19 Company; correct?

20 A. (Widell) Yes.

21 Q. And that one mile also isn't specified in the
22 SEC rules, is it?

23 A. (Widell) No, but the definition of an APE
24 refers to the federal definition used by DHR.

1 MR. ROTH: Okay. Can you give
2 me 800.16(d)? I don't know what that
3 exhibit...

4 BY MR. ROTH:

5 Q. I'm showing you Counsel for the Public 417,
6 which is a printout of the Federal Rule
7 800.16. And in the tiny print, bad for my
8 eyes, it includes (d).

9 A. (Widell) Yes, I see that.

10 Q. And 800.16(d) also doesn't say "one mile",
11 does it?

12 A. (Widell) No. But each area of potential
13 effect is different depending on the project
14 itself, and it is determined by federal
15 regulation, in consultation between the State
16 historic preservation office and the lead
17 federal agency.

18 Q. Okay. But it doesn't say one mile.

19 A. (Widell) That's correct.

20 Q. All right. And I'm looking at the letter
21 from DHR which you very helpfully attached to
22 your testimony. And that's Applicant's
23 Exhibit 95.

24 Isn't it true that in this letter which

1 you attached to your testimony, which is
2 Applicant's Exhibit 95, DHR didn't just say
3 one mile either, did they?

4 A. (Widell) No.

5 Q. In fact --

6 A. (Widell) They included, and this would be
7 normal, if there is a historic property that
8 goes over the line or needs to be included,
9 that that is included. And that is what they
10 stated. You normally use the size as
11 shorthand when you're talking about an APE in
12 the field of historic preservation. Many of
13 them have provisions like this.

14 Q. I'm having a little bit of a hard time
15 hearing you.

16 A. (Widell) I'm sorry. You would normally talk
17 about a one-mile APE or a half-mile APE,
18 which is what it is for Seacoast Reliability
19 Project, even though you have a provision in
20 there to consider properties that might be
21 right beyond one mile, as this one does.

22 Q. Well, that's not what it says either. The
23 second sentence says, "As we discussed, the
24 approximate determination is appropriate

1 because there may be some situations where
2 the visual effects may extend somewhat beyond
3 the one-mile limit due to local topographic
4 and historic factors"; correct?

5 A. (Widell) Yes.

6 Q. "Visual effects shall include not only
7 effects associated with the structures to be
8 constructed as part of the transmission line,
9 but also physical disturbances of," and go to
10 the next page, "current conditions such as
11 areas that are currently forested or
12 otherwise vegetated that may be cleared in
13 order to construct the transmission line."
14 Correct?

15 A. (Widell) Yes.

16 Q. So that doesn't say there may be properties
17 that sort of straddle the line, does it?

18 A. (Widell) It doesn't say that precisely. But
19 that is certainly, in my experience in the
20 field, what it is referring to. It's also
21 referring to direct effects, not just visual
22 effects to be taken into consideration.

23 Q. So would you agree with me that under the
24 fairly logical read of what Mr. Boisvert

1 wrote here, that, for example, if a project
2 cut a big clearing across a hillside
3 two miles from the Project, or three miles,
4 which I believe is the area that was used by
5 Mr. DeWan, but if it cut a big swath across a
6 hillside three miles away, and that had an
7 effect on the property, the resource, you
8 would include that as part of the APE,
9 wouldn't you?

10 A. (Widell) No, generally I would not, no.

11 Q. So isn't that a logical construction of what
12 Mr. Boisvert said, though?

13 A. (Widell) No, I do not agree with your
14 assessment on that.

15 Q. Okay. And didn't the Preservation Company
16 identify certain resources outside of the APE
17 as feeling the effects of the Project?

18 A. (Widell) Yes.

19 Q. Such as Weeks?

20 A. (Widell) Yes.

21 Q. And North Road?

22 A. (Widell) Yes.

23 Q. And Catamount Hill and Bear Brook State Park?

24 A. (Widell) I can't remember that one precisely.

1 Q. Okay. So we can differ about whether the
2 effects are adverse or unreasonably adverse,
3 but I think you must agree that there are
4 going to be visible effects -- or the Project
5 could be visible in places more than one mile
6 from a historic resource; correct?

7 A. (Widell) Yes.

8 Q. Okay. And that could happen anyplace along a
9 route, obviously except for the buried part.

10 A. (Widell) Except for the --

11 Q. The underground part.

12 A. (Widell) Oh, yes. Right.

13 Q. So I take it that when you and the
14 Preservation Company did your research and
15 looked up the kind of resources that were in
16 the one-mile APE, you found a fair amount of
17 stuff in there; right?

18 A. (Widell) Yes.

19 Q. And given that Mr. DeWan, his zone of review
20 I believe is three miles, wouldn't it have
21 made sense to look and see what kind of
22 resources might be out to three miles?

23 A. (Widell) No. The Section 106 process is
24 specifically directed toward identifying

1 historic properties within the area of
2 potential effect.

3 Q. Not even in places such as what DHR
4 hypothesized, you know, where there's
5 vegetated clearing for a project
6 infrastructure that's out there somewhere?

7 A. (Widell) No, I believe that NHDHR did not
8 talk about three-mile clearing out beyond the
9 APE. They talked about, both from a
10 topographical or historical perspective,
11 there may be properties that just barely go
12 beyond the one-mile APE, and we are to take
13 that into consideration. That may happen
14 with a historic district.

15 Q. But that's your gloss. They didn't say that
16 in their letter, did they, the "just barely"
17 part?

18 A. (Widell) It did precisely talk about
19 topography and historic factors to be taken
20 into consideration beyond the one-mile APE.

21 Q. But they didn't say "just barely."

22 A. (Widell) No. Those were my words. That's
23 correct.

24 Q. And three miles is what Mr. DeWan used for

1 his scenic evaluation; correct?

2 A. (Widell) I don't know.

3 Q. And since, under the definition of "scenic
4 resources" under the SEC's rules that
5 includes historic resources, why not use the
6 same capture as DeWan uses? Because scenic
7 resources are also historic resources; are
8 they not?

9 A. (Widell) You asked if -- why we wouldn't use
10 the same process as Terry DeWan and then a
11 second. So, Terry -- the reason is that
12 they're very different. I mean, we are
13 evaluating visual effects on historic
14 properties which are defined. And the way
15 that that is done, which is looking at first
16 the significance of the property and then how
17 it will affect the integrity of the property,
18 is a totally different process, I believe. I
19 don't know what the Visual Impact Assessment
20 process is. I'm not an expert in that.

21 Q. I thought the process was first to identify
22 properties in the APE, not to identify their
23 significance. Didn't we go over this
24 already?

1 A. (Widell) You --

2 Q. We're talking now about the APE. And under
3 DeWan's APE -- or I guess that's the area of
4 potential visual impact, APVI, it's
5 three miles. I will offer that, and I think
6 that's correct. Maybe one of the attorneys
7 can correct me if I'm wrong about that. But
8 a scenic resource in New Hampshire under the
9 rules includes a historic resource; correct?

10 A. (Widell) Yes.

11 Q. Yes? Okay. So if you're looking at a
12 historic resource as a scenic resource, in
13 terms of the overall capture for it simply --
14 I think at the EPA stage, all you're doing is
15 collecting what you're going to analyze;
16 correct? Isn't that the basic idea?

17 A. (Widell) But I'm not participating in doing a
18 Visual Impact Assessment. So the whole
19 process for doing that, I have no idea how
20 they determine which historic sites they
21 specifically choose.

22 Q. I understand. That's not what I'm talking
23 about. In fact, didn't you consult with Mr.
24 DeWan about historic resources?

1 A. (Widell) Very little. I told him about Weeks
2 State Park and a couple of properties that
3 were on the National Register.

4 Q. Yeah, so you only gave him stuff that was
5 actually on the National Register; correct?

6 A. (Widell) Yes, in the conversation that I had
7 with --

8 Q. But what I'm talking about now -- and I
9 digressed there. What I'm talking about now
10 is you're establishing, you know, what your
11 APE is. And the APVI includes historical
12 resources out to three miles. In terms of
13 just a very basic capture for your purposes
14 of analysis, why wouldn't you cast a broader
15 net?

16 A. (Widell) I would not. Let me explain.

17 Once again, the area of potential effect
18 is part of the Section 106 process. It's a
19 very important part because it is a very
20 careful discussion between the lead federal
21 agency and the state historic preservation
22 office to determine the extent and nature of
23 the effects of the Project and what those
24 might be and where historic properties are

1 likely to be that could be affected. And so
2 you don't vary from that.

3 Q. Well, in this case you're coming in a little
4 bit late, aren't you? You start in 2015, and
5 NHDR -- NHDHR and the Applicants and the DOE
6 in 2013 had already agreed on this
7 approximately one-mile APE; correct?

8 A. (Widell) Yes. They agreed in 2013. I'm not
9 sure which --

10 Q. And that's for the Section 106 process;
11 correct?

12 A. (Widell) Yes.

13 Q. Because Brian Mills doesn't have anything to
14 do with the SEC, does he?

15 A. (Widell) No. Actually, the SEC and
16 Section 106 are, of course, very different
17 processes.

18 Q. Exactly.

19 A. (Widell) They're very similar, very much the
20 same in that they both involve evaluation,
21 assessment of resources and mitigation. The
22 difference is that the SEC ends in a finding
23 of whether there is an unreasonable adverse
24 effect or not on historic sites; whereas,

1 Section 106 ends, if you will, through
2 consultation with a determination of whether
3 there's no effect, an adverse effect, or no
4 adverse effect and an agreement document. In
5 this case, it's going to be a programmatic
6 agreement. So they're very similar. And the
7 APE is actually the same for both, and the
8 identification process is --

9 Q. There's nothing in --

10 (Court Reporter interrupts.)

11 Q. I'm sorry.

12 A. (Widell) The identification process is the
13 same.

14 Q. But there is nothing in the SEC rules that
15 says that it must be one mile; correct?

16 A. (Widell) That's correct.

17 Q. And there's nothing in the SEC rules that
18 says it must be exactly what the Project and
19 DOE and NHDHR determined for the 106 process
20 either, is there?

21 A. (Widell) No. My understanding is that the
22 APE for evaluation of historic resources is
23 based on the APE established by DHR.

24 Q. You didn't perform any analysis to determine

1 whether there might be reason to expand the
2 one-mile APE in any other places, in any
3 particular places, did you?

4 A. (Widell) No.

5 Q. So when Mr. Boisvert said it's approximately
6 one mile except where, as you say, maybe just
7 barely ought to be bigger, but as I say,
8 maybe that means something much larger, you
9 didn't perform any analysis to go up and down
10 the line and say, you know, the APE here is
11 okay, a mile; over here, it ought to be a
12 mile and a half. You didn't make that
13 analysis, did you?

14 A. (Widell) That's correct. We did not make
15 that analysis.

16 Q. Okay. And I'm looking, for example, at the
17 Bristol Square -- the Bristol Central Square
18 Historic District as being 1.27 miles away;
19 correct? And it's already on the registry.
20 It's already on the National Register; right?

21 A. (Widell) I'd have to look at materials.
22 There's approximately 180 properties, so...
23 thank you very much.

24 Q. This is the Applicant's exhibit, one of the

1 tables for Bristol, I believe. And I think
2 it's in here. It's an aqua square. That's
3 the last aqua square down.

4 A. (Widell) Yes.

5 Q. It says "outside APE 1.27 miles from
6 Project"; right?

7 A. (Widell) Yes.

8 Q. So, in this case, perhaps this would have
9 been a candidate to expand the APE to
10 1.28 miles to include the Bristol Central
11 Square Historic District. Do you agree?

12 A. (Widell) No. I would want to look at the
13 National Register form. But if it is --
14 obviously, it's a central square historic
15 district. Once again we go back to its
16 significance --

17 Q. But there's no question about its
18 significance or its integrity. That's
19 already been determined.

20 A. (Widell) Yes, but you have to have, and the
21 significance tells you then whether it has
22 significance that is related to views, and
23 therefore there could be an adverse effect.
24 For example --

1 Q. But because it's outside --

2 (Court Reporter interrupts.)

3 A. (Widell) Thank you. For example,
4 agricultural, recreation, summer cottages,
5 those are three of the ones that we have
6 primarily seen in the Northern Pass Project.
7 In National Register properties, you have
8 certain criteria which relate to either broad
9 patterns of history, biography, architecture
10 or principally archeology, as my colleague
11 Vicky, would attest to. And in the case of
12 the properties that are likely to be affected
13 by visual impact, a visual adverse effect,
14 they are the ones that are -- that have
15 setting, viewsheds and landscape related to
16 that significance that might be affected. So
17 it's very important not only to find the
18 historic properties, but to understand the
19 significance and then understand how that
20 significance is conveyed on the land.

21 Q. Okay. But you didn't do any of that because
22 the Bristol Central Square Historic District
23 was outside the APE; correct?

24 A. (Widell) That's correct. And it --

1 Q. Thank you.

2 A. (Widell) -- likely did not have significance
3 related to views from that historic district
4 out beyond the buildings. It had
5 architectural significance, or perhaps
6 significance in community planning, but
7 primarily because it is beyond the APE --

8 Q. Okay.

9 A. (Widell) -- and unlikely to be adversely
10 affected visually by the Project.

11 Q. All right. Thank you.

12 And isn't it true, also, that the
13 Preservation Company excluded much of the
14 Page Hill Agricultural District originally
15 because it was just outside of the APE?

16 A. (Widell) No. The Page Hill Historic District
17 is one property that was inventoried and
18 determined not to have an adverse effect.
19 But I do not believe that it was not included
20 because it was outside of the APE.

21 MR. ROTH: I think I'd like to
22 break here.

23 CHAIRMAN HONIGBERG: Sounds
24 good. We'll break for the afternoon and be

1 back again tomorrow morning.

2 MR. ROTH: Thank you, Ms. Widell
3 and thank you Dr. Bunker.

4 (Hearing concluded at 5:27 p.m.)

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C E R T I F I C A T E

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