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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

August 29, 2017 - 1:01 p.m. DAY 28
49 Donovan Street's AFTERNOON ONLY- REDACTED
Concord, NH

{Electronically filed with SEC on 09-08-17}

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 Dept. of Resources &
Economic Development
- William Oldenburg, Designee Dept. of Transportation
- Patricia Weathersby Public Member
- Rachel (Whitaker) Dandeneau NOT PRESENT

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

[WITNESS PANEL: WIDELL|BUNKER]

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1 AFTERNOON SESSION

2 (Hearing resumed at 1:01 p.m.)

3 CHAIRMAN HONIGBERG: All right.

4 Ms. Boepple, you may proceed.

5 MS. BOEPPLE: Thank you. As it
6 turns out, since AMC is here, they're going to
7 ask most of their own questions. So I'm just
8 going to cover just a few more, and then I'll
9 relieve you of my questioning.

10 CROSS-EXAMINATION (resumed)

11 BY MS. BOEPPLE:

12 Q. So I'm going to put up on the ELMO a portion
13 of the SEC rules. And I think you're
14 familiar with this, Ms. Widell; correct?

15 A. (Widell) Yes.

16 Q. This morning we talked a lot about the SEC
17 definition of "effects on historic
18 properties." We talked about what happens
19 with the SEC. And I believe what you stated
20 was under the Section 106 process there's a
21 review of the historic properties and a
22 determination of whether there will be an
23 adverse effect on the historic property;
24 correct?

1 A. (Widell) Yes.

2 Q. And I believe you also have stated that the
3 SEC process is a comprehensive review of the
4 Project's impact and whether or not there
5 will be an unreasonable adverse effect on
6 historic resources; correct?

7 A. (Widell) Yes.

8 Q. So if it's cumulative, don't you still have
9 to go through an analysis of whether there's
10 an unreasonable adverse effect on specific
11 historic sites under the SEC process?

12 A. (Widell) No, that is not how I did my review.

13 Q. Then let's look at the rule, okay. Let's
14 read the rule. And under the rule it states,
15 "In determining whether a proposed energy
16 facility will have an unreasonable adverse
17 effect on historic sites, the Committee shall
18 consider..." 1, 2, 3, 4, 5. And 5 says, "The
19 effectiveness of the measures proposed by the
20 Applicant to avoid, minimize or mitigate
21 unreasonable adverse effects on historic
22 sites in archeological resources and the
23 extent to which such measures represent Best
24 Practical Measures."

1 Now, if it's all cumulative, how are you
2 going to have mitigation on specific historic
3 sites?

4 A. (Widell) Mitigation is looked at for an
5 entire project. That's not uncommon.

6 Q. So your position is that the legal standard
7 is that all the SEC has to do is determine
8 how to mitigate comprehensive impacts, not
9 impacts on the individual properties?

10 A. (Widell) No, that's not what I said.

11 Q. Okay. So help me understand what you are
12 saying. Do you not have to determine whether
13 there is an unreasonable adverse effect on a
14 specific historic site?

15 A. (Widell) That is not the way I applied
16 "unreasonable adverse effects" to my
17 evaluation of this project. I did not look
18 at individual property by property. If you
19 look at the top four criteria, you will see
20 that they're talking about all of the
21 historic sites and archeological resources
22 affected and any potential adverse effects.
23 You're looking at the number of significance
24 of any adversely affected sites; the extent,

1 nature and duration of the adverse effects on
2 historic sites and archeological sites. So,
3 those and the findings of Section 106, to me
4 as a professional in the field of historic
5 preservation, that is looking at all of the
6 properties and all of those effects that are
7 being caused by a project. It's not an
8 uncommon thing that's done by state historic
9 preservation officers, too, when they're
10 looking at how a project is going to affect
11 historic properties.

12 Q. Why would you even get to mitigation if you
13 haven't found that there's been an
14 unreasonable adverse effect? Based on your
15 definition and the way you're looking at
16 this, you're indicating that the
17 mitigation -- I mean, the rule says
18 mitigation has to be done; correct? It's got
19 to be considered; correct? So what are you
20 going to mitigate?

21 A. (Widell) I'm sorry.

22 Q. So my question is: What are you mitigating
23 if you haven't found that there's been an
24 unreasonable adverse effect on a specific

1 historic site?

2 A. (Widell) It actually says "the effectiveness
3 of the measures proposed by the Applicant to
4 avoid, minimize and mitigate" --

5 Q. Right. I was picking mitigation as opposed
6 to avoid, et cetera.

7 A. (Widell) So you're looking at many different
8 properties.

9 And your question again? I'm sorry.

10 Q. Well, my question is: If you haven't
11 decided -- if you haven't made a
12 determination that there is some sort of an
13 unreasonable adverse effect, why do you have
14 to even go through the process of avoiding,
15 minimizing, mitigating anything?

16 A. (Widell) I have made a very clear statement
17 that I do not believe that this project
18 causes an unreasonable adverse effect to
19 historic properties in my testimony, and the
20 specific reasons are indicated in my
21 testimony.

22 Q. I understand your testimony.

23 Okay. So, also in your prefiled
24 testimony you quote, and I quote you -- it's

1 on Page 12 of your testimony -- that you
2 expect the DOE, in consultation with DHR,
3 will determine in the end of the Section 106
4 process, as you have, that there will be some
5 adverse effects from the Project; correct?
6 Page 12 of your prefiled.

7 A. (Widell) I'm sorry. I was looking at my
8 supplemental. Forgive me.

9 Q. Sure.

10 (Witness reviews document.)

11 A. (Widell) What line?

12 Q. Sorry. Might be in your supplemental.
13 Sorry. Oh, no, it's in your direct. Sorry.
14 Line 7.

15 A. (Widell) Yes.

16 Q. Did I read it accurately? What does it say?

17 A. (Widell) "...DHR and the Advisory Council on
18 Historic Preservation will have a continuing
19 role in the Project until it's completion. I
20 expect that DOE, in consultation with DHR,
21 will determine at the end of the Section 106
22 process, as I have, that there will be some
23 adverse effects from the Project. The
24 Section 106 process will require that any

1 adverse effects will be mitigated." And that
2 is done in the Programmatic Agreement.

3 Q. So I'm going to go back to the letter from
4 DHR from this morning.

5 (Pause)

6 Q. This is on the last page of the letter from
7 DHR. And the second paragraph says, "The
8 Programmatic Agreement does not specify
9 whether the anticipated effects of
10 construction, operation and maintenance of
11 the Northern Pass Project are adverse to
12 historic properties, nor does it mandate
13 specific treatment or mitigation measures";
14 correct?

15 CHAIRMAN HONIGBERG: Slow down
16 just a little as you read.

17 MS. BOEPPLE: Sorry.

18 A. (Widell) Yes.

19 Q. "Those determinations are to be made as the
20 participating parties complete their
21 responsibilities as specified by the PA."
22 The "PA" being the Programmatic Agreement;
23 correct?

24 A. (Widell) Hmm-hmm.

1 Q. "The PA anticipates avoiding, minimizing and
2 mitigating adverse effects through the
3 preparation and implementation of several
4 plans"; correct?

5 A. (Widell) Yes.

6 Q. And then it lists the plans; correct?

7 A. (Widell) Hmm-hmm.

8 Q. So the Programmatic Agreement, didn't you
9 just state that that is going to set forth
10 the mitigation?

11 A. (Widell) Yes. There is a process normally in
12 a Programmatic Agreement by which the parties
13 develop precise mitigation. Now, what
14 they're saying is that there's not numbers or
15 precise mitigation for doing an adverse
16 effect on this property or that property.
17 That is not delineated normally in a
18 Programmatic Agreement. Often there is a
19 process for determining what mitigation will
20 be at the time that the adverse effects have
21 been finalized and determined.

22 Q. So do you agree with the letter --

23 A. (Widell) Yes.

24 Q. -- that that is an accurate statement?

1 A. (Widell) Yes.

2 Q. Also in your prefiled testimony, Page 12,
3 Lines 15 through 17 --

4 A. (Widell) Yes.

5 Q. -- you're making a request that the SEC
6 delegate to DHR monitoring and compliance
7 authority with respect to historic resources.
8 Do you know if the SEC can legally delegate
9 that kind of compliance authority to DHR?

10 A. (Widell) No, I disagree with you. I'm not
11 making that request. What I say here is,
12 based on prior precedent, it is reasonable to
13 expect that the SEC will delegate to DHR
14 monitoring and compliance authority with
15 respect to historic resources. I believe
16 that that has occurred previously with the
17 issuance of SEC certificates.

18 Q. Has that been your experience?

19 A. (Widell) In a couple of the previous projects
20 that were issued certificates, I observed
21 that there were provisions for that, yes.

22 Q. But you don't have any specific experience
23 with that; correct?

24 A. (Widell) I'm not sure I understand your

1 question.

2 Q. Did you not testify this morning that you
3 have never been before the SEC?

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

5 Q. Okay. So this is based on your reading of --

6 A. (Widell) Yeah.

7 Q. -- of other SEC certificates; is that
8 correct?

9 A. (Widell) Yes, proceedings.

10 Q. So you do not have any legal background;
11 correct?

12 A. (Widell) Correct.

13 Q. So your opinion is based on your layperson's
14 reading, is that correct, of what authority
15 the SEC might or might not have, or perhaps
16 on the attorneys advising you on what
17 authority the SEC might or might not have?

18 A. (Widell) No. I would state that, once again,
19 if we look broadly in my field, in the field
20 of historic preservation, completing an
21 agreement document when you have found an
22 adverse effect that includes things as were
23 indicated by DHR, a mitigation plan, a
24 historic preservation treatment plan -- as

1 the state historic preservation officer in
2 California, I was involved in many, many,
3 many agreement documents, and they are what
4 results after you have done, first, the --

5 Q. We're not in California; correct?

6 A. (Widell) We're not in California. But I'm
7 trying to inform you that there is a
8 standard, just as I believe there are
9 standards in the legal profession, of the way
10 we deal with effects on historic properties.
11 And if there is an adverse effect in the
12 Section 106 process, it ends in an agreement
13 document. It might be called a Memorandum of
14 Agreement if there's an individual project,
15 or a Programmatic Agreement is used when you
16 have a larger project and you have stages
17 that you need to complete as part of the
18 construction of that project. That is what
19 is happening here.

20 Q. That's great. That's terrific. We all
21 understand that's what happens in the
22 Section 106 process. We are in the SEC
23 process. And my questions had to do with
24 specifically under the SEC rules and whether

1 or not the kind of delegation of authority
2 you are relying on to protect historic
3 resources is even legally enforceable. Do
4 you know the answer to that?

5 A. (Widell) I can't to speak to whether it's
6 legally enforceable. But I know that it has
7 happened in the past that the SEC has
8 depended on the Section 106 process and
9 agreement documents to carry out work beyond
10 the issuance of a certificate. And I believe
11 that's exactly the situation we have here
12 because we have completed so much work
13 related to identification and now assessment,
14 and then the last part of that will be moving
15 forward with a Programmatic Agreement
16 document that enables DHR to manage and
17 monitor things going forward and making sure
18 that the Project Applicant does those things.
19 So the SEC is not doing it. It is the
20 knowledgeable state entity, the DHR, that is
21 taking that authority on behalf of SEC.

22 Q. And you don't agree with the Commission's --
23 the DHR's letter about how this process
24 works. You disagree with how they --

1 A. (Widell) That's absolutely not --

2 (Court Reporter interrupts.)

3 Q. You disagree with how the process is set
4 forth in the letter from DHR. It said
5 specifically -- we can read it again if you'd
6 like.

7 A. (Widell) Not at all. I think the letter has
8 stated precisely what I have stated.

9 Q. Okay. We'll just agree to disagree then.

10 I have no other questions. Thank you.

11 A. (Widell) Thank you very much, Ms. Boepple.

12 CHAIRMAN HONIGBERG: I think
13 next up is Ms. More from the Stark, Bethlehem
14 Group.

15 MR. PLOUFFE: Mr. Chairman, AMC
16 does have some questions.

17 CHAIRMAN HONIGBERG: Let's go
18 off the record for a minute.

19 (Pause in proceedings)

20 CHAIRMAN HONIGBERG: Mr.
21 Plouffe.

22 MR. PLOUFFE: I apologize for
23 keeping the Chair in the dark on this.

24 CROSS-EXAMINATION

1 BY MR. PLOUFFE:

2 Q. Ms. Widell, my name's Bill Plouffe. I
3 represent the Appalachian Mountain Club in
4 this proceeding.

5 A. (Widell) Hi.

6 Q. Hi.

7 A. (Widell) Good afternoon. I'm not sure I
8 heard your last name correctly, and I don't
9 want to mess it up if I refer to you.

10 Q. It's a common experience for me, I'll tell
11 you. It's Plouffe. And if you were in
12 Montreal, it would be "Ploofe."

13 A. (Widell) Okay. P-L --

14 Q. P-L-O-U-F-F-E.

15 A. (Widell) -- O-U-F-F-E. Thank you very much.

16 Q. So we've talked this morning about the very
17 recent DHR letter that was submitted to the
18 Subcommittee. And from that I would take
19 that the Section 106 process and the DHR
20 analysis is not yet complete. Would you
21 agree with that?

22 A. (Widell) I would have to disagree with you,
23 in that I believe the letter says that the
24 identification part of it is very nearly

1 complete and that the assessment of effects
2 has begun.

3 Q. So the assessment of effects is not complete.

4 A. (Widell) The assessment of effects is not
5 complete.

6 Q. It's a work in progress.

7 A. (Widell) Yes.

8 Q. I think you said this morning in response to
9 a question that you would not anticipate that
10 that would be finished by the end of this
11 year.

12 A. (Widell) No. I think the question was
13 regarding the, quote, Section 106 process
14 being completed. And the Programmatic
15 Agreement will have a number of things in it,
16 which is typical, which will carry on past
17 the issuance of a certificate, as has been
18 done previously.

19 Q. Do you have a time when you anticipate that
20 the DHR analysis of the effects will be
21 completed?

22 A. (Widell) No, I do not.

23 Q. So it could be by the end of the year or not;
24 correct?

1 A. (Widell) Could be, yes.

2 Q. So would the results of the final Section 106
3 review by DHR be helpful to this Subcommittee
4 in its decision as to whether or not this
5 Project poses an unreasonable adverse impact
6 or effect on historic resources?

7 A. (Widell) No, I have to disagree with that. I
8 think we have a huge amount of information
9 already that indicates the identification of
10 historic resources within the Area of
11 Potential Effect, the effects on those
12 historic properties. And I think that from
13 my testimony I am very much convinced that
14 there is not an unreasonable adverse effect
15 from this project on historic resources.

16 Q. So at the time of your prefiled testimony and
17 your supplemental prefiled testimony, you did
18 not apparently include a number of the
19 historic resources that DHR has now asked the
20 Applicant to examine.

21 A. (Widell) I do not believe that there are
22 substantially more. There were some that we
23 included in our assessment report that
24 eventually were not included in the

1 inventory. But there's quite a similar
2 similarity between the lists and the Project
3 area forms, of course, which informed the DHR
4 direction for inventories, and the properties
5 that we assessed in the assessment report --

6 Q. Forgive me, but what are the 111 project
7 forms that we talked about this morning that
8 you've very recently given to DHR?

9 A. (Widell) Let me take a look at the precise
10 numbers if I can.

11 Q. Sure.

12 (Witness reviews document.)

13 A. (Widell) There have been 118 inventory forms
14 completed and submitted to DHR, and 109 of
15 those have been finalized and the eligibility
16 have been determined; there are 9 in progress
17 at this time. So those are the inventory
18 forms that I said were still yet to be --
19 they have been completed, but I do not
20 believe they've been submitted for
21 determination. They're all at Webster Lake.

22 Q. But we do not have the DHR's opinion on the
23 information that you've given them at this
24 point in time; correct?

1 A. (Widell) No, that's not true. The DHR has
2 reviewed those 109 of the 118 that have been
3 submitted, and they have determined whether
4 they are eligible for the National Register
5 or not. So that is an important part of the
6 identification stage, to determine exactly
7 what historic properties are out there in the
8 Area of Potential Effect and which ones need
9 to be considered in the 106 process, and that
10 has been completed by DHR.

11 Q. Has DHR determined which avoidance and
12 mitigation they will require?

13 A. (Widell) No, they have not.

14 Q. Wouldn't that information be of benefit to
15 the Subcommittee in making its determination?

16 A. (Widell) Perhaps. But the important thing is
17 to determine really which historic properties
18 are in the Area of Potential Effect and which
19 are likely to be affected.

20 Q. In both your prefiled and your supplemental
21 prefiled you've reached the conclusion that
22 the Project will not have an unreasonable
23 adverse effect on historic resources. In
24 making that statement, you went beyond what

1 the Preservation Company stated in their
2 written report that's part of Appendix 18;
3 correct?

4 A. (Widell) I do not know what you speak of.
5 And no.

6 Q. Well, didn't the Preservation Company say
7 they were making no assessment other than
8 reasonable [sic] adverse effect criteria
9 under RSA 162-H?

10 A. (Widell) In the methodology, that's correct.
11 The assessment forms were all related to
12 identification under the National Register
13 criteria for which you're eligible for the
14 National Register. And then the effects were
15 done based on the 36 CFR 800 "adverse
16 effects" definition. And then my
17 responsibility, under my testimony, was to
18 determine, in looking at the identified
19 historic properties and the adverse effects
20 that we found throughout the entire project,
21 whether I believe that there was an
22 unreasonable adverse effect. And I testified
23 to that in October of 2015, that there is not
24 an unreasonable adverse effect being caused

1 by this project.

2 Q. So let's go to the topic that I know was
3 covered a little bit in your August 2nd
4 testimony under questioning by Mr. Roth, and
5 that is this interpretation that you make of
6 the SEC rules regarding the scope of inquiry,
7 if you will, with respect to unreasonable
8 adverse effect.

9 In your supplemental testimony you
10 criticize the report that was done by Scott
11 Newman of 106 Associates. And you say that
12 Mr. Newman reviewed only resources located in
13 the town of Deerfield and found two historic
14 districts there -- and there's a typo -- that
15 present unreasonable adverse effect. And
16 then in a footnote on Page 11 of your
17 prefiled testimony -- supplemental testimony,
18 you say, "I believe this is a
19 misinterpretation of the NH SEC requirement
20 that the Project not have an unreasonable
21 adverse effect on historic sites," and you
22 cite RSA 162-H and 301.14(b). You go on,
23 "The assessment of unreasonable adverse
24 effect is for the Project as a whole. While

1 that includes evaluation of individual Stark
2 properties, the finding of unreasonable
3 adverse effect does not apply to discrete
4 individual resources."

5 So you just had a short dialogue with
6 Ms. Boepple about this issue, so I'm going to
7 ask you: If we accept your interpretation of
8 the rule, how does the SEC determine whether
9 or not there is an unreasonable adverse
10 effect on historic sites?

11 A. (Widell) They have very precise direction on
12 that by looking at, under Site 301.14(b),
13 which is looking at all of the historic sites
14 and archeological resources potentially
15 affected by the proposed facility and any
16 anticipated potential adverse effects on such
17 sites; and under two, the number and
18 significance of any adversely affected
19 historic sites and archeological resources,
20 taking into consideration the size, scale and
21 nature of the proposed facility; three, the
22 extent, nature and duration of the
23 potential --

24 Q. Okay.

1 A. (Widell) -- adverse effects and on. I don't
2 need to --

3 Q. Fine.

4 A. (Widell) I'm sure the SEC knows it, so I
5 don't to have to recite it to them. But I
6 wanted you to be aware that there's -- we're
7 looking at all the sites, all the effects --

8 Q. All along the 192-mile corridor.

9 A. (Widell) Yes.

10 Q. All right. That's what I'm trying to get
11 from you, that you looked at all the sites.

12 So if we accept that paradigm, that way
13 of looking at this, wouldn't it be possible
14 for there to be one historic site that is
15 suffering a significant, major adverse
16 effect; yet, that would be averaged out over
17 the 192 miles and thrown in with all the
18 other sites? Looked at another way, is the
19 denominator in the equation that you're
20 proposing all of the sites along 192 miles?

21 A. (Widell) No, I disagree with that statement,
22 in that they're looking at all of the sites
23 that are potentially affected.

24 Q. Okay. So, along the 192 miles.

1 A. (Widell) Yes.

2 Q. Okay. So that is the denominator, all the
3 sites that are potentially affected along
4 192 miles.

5 A. (Widell) That are located within the Area of
6 Potential Effect that was established by DHR,
7 in consultation with the Department of
8 Energy.

9 Q. Except for your last statement, okay, we're
10 in agreement.

11 So in that analysis that you just
12 proposed, if my numerator, using this
13 fraction analysis -- or analogy, if the
14 numerator is one site that's going to be
15 severely adversely affected because that's
16 averaged out over all of the sites, then you
17 still would reach the conclusion, under your
18 methodology that the Project does not present
19 an unreasonable adverse effect.

20 A. (Widell) No, we don't need to talk about that
21 because there are -- in my opinion, there are
22 six adverse effects, and they are not adverse
23 effects to the extent that they would be, in
24 totality, an unreasonable adverse effect

1 being caused by this project.

2 Q. I'm just talking about your methodology. I
3 think we do need to talk about your
4 methodology, because if your methodology is
5 incorrect, if in fact what you should have
6 been doing is analyzing each identified
7 historic site as to whether or not there's an
8 unreasonable adverse effect, you didn't do
9 that.

10 A. (Widell) That's not accurate, in that just
11 prior to our lunch break I talked about how
12 we first looked at each historic property
13 that's within the Area of Potential Effect.
14 We identify what those properties are and why
15 they're significant. Then we apply the
16 "adverse effect" definition to them to see if
17 there's a direct or visual adverse effect.
18 We did that over and over and over again with
19 each property. And the result was
20 determining that, for this project, for the
21 entire length of it within the Area of
22 Potential Effect where there is likely to be
23 an adverse effect on historic resources, we
24 found six adverse effects.

1 Q. But you didn't make a determination as to
2 each site as to whether or not there was an
3 unreasonable adverse effect, because that's
4 precisely what you criticized 106 Associates
5 for doing.

6 A. (Widell) That's correct. I did not apply it
7 on a building-by-building or
8 property-by-property basis.

9 Q. So you were hired on this project I believe
10 in the spring of 2015 is what you told Mr.
11 Roth; is that correct?

12 A. (Widell) I believe that I couldn't remember
13 precisely. I think it may have been a little
14 before that.

15 Q. So it could have been the winter/spring of --

16 A. (Widell) Yeah, right. Yeah.

17 Q. Okay. So, with respect to the route of the
18 Project where the transmission line is going,
19 that had already been determined by Northern
20 Pass at the time you were hired.

21 A. (Widell) No, it had not entirely. I remember
22 that decision to put a portion of it
23 underground was just then -- was not publicly
24 stated. And of course the route right now

1 for the underground portion, precisely where
2 it's going, is still being determined.

3 Q. So then, with the exception of the burial
4 throughout the White Mountain National
5 Forest, the route had already been
6 determined.

7 A. (Widell) I believe that is the case, yes.

8 Q. All right. So I'm looking at Page 9 of your
9 prefiled in which you say that the NPT,
10 Northern Pass, evaluated the potential
11 historical resource impacts of alternative
12 routes early in the planning process. Route
13 selection of a preferred route was the
14 product of a deliberate process to minimize
15 the potential visual impacts of the Project,
16 minimize impacts to cultural resources, state
17 parks, conservation areas, trails and scenic
18 byways, all considerations in the route
19 selection process.

20 If the route had been determined before
21 you -- except for the White Mountain National
22 Forest area where it went underground -- if
23 it had been determined by the time you were
24 hired, fair to say you had no role in

1 advising Northern Pass as to the route for
2 the transmission line?

3 A. (Widell) That's correct. I didn't have any
4 role in the route of choice. That's correct.
5 Yes.

6 Q. So you didn't mean to imply by the statement
7 in your testimony that you were involved in
8 that process or that the route was the result
9 of your expert advice.

10 A. (Widell) I did not imply that.

11 Q. Okay. Thank you.

12 I just want to ask you a couple
13 questions about cultural landscapes.

14 Seems there's been questioning of you
15 earlier about whether your initial testimony,
16 your prefiled and your supplemental prefiled,
17 really spoke to cultural landscapes. I think
18 you suggested that you thought that it did.
19 I think it was Mr. Roth who suggested he
20 couldn't find that term. But I think you
21 agreed that cultural landscapes under the SEC
22 rule are or can be an historic site; is that
23 right?

24 A. (Widell) It's not precisely mentioned, but

1 obviously a historic site could include a
2 cultural landscape, yes.

3 Q. Yes. And the SEC rule does talk about areas
4 of the state, not just buildings.

5 A. (Widell) Hmm-hmm.

6 Q. So it would not be necessary, in your view,
7 that an area have an historic structure on it
8 in order to be an historic site.

9 A. (Widell) That's correct.

10 Q. So, for example, some of the iconic scenery
11 in New Hampshire, perhaps scenery that was
12 painted by famous painters like Frederic
13 Church or Thomas Cole, could be a cultural
14 landscape.

15 A. (Widell) Could be.

16 Q. And I'm going to ask you specifically. Have
17 you ever considered whether the North
18 Woods -- you know what I'm talking about when
19 I refer to the "North Woods of New
20 Hampshire"?

21 A. (Widell) The "Great North Woods," yes.

22 Q. Yes. In fact, that area is an area that's
23 outlined in the map that's attached to the
24 recent DHR letter, correct, as a study area?

1 A. (Widell) Yes, and -- yes.

2 Q. Yes. And I'm not asking you whether or not
3 you agree that it is. But could it be --

4 A. (Widell) Yes.

5 Q. -- found to be a cultural landscape?

6 A. (Widell) Yes.

7 Q. The whole North Woods?

8 A. (Widell) The entire North Woods? The study
9 area did not include the entire North Woods.

10 Q. Well, then, what did DHR outline in its study
11 area?

12 A. (Widell) I would have to look at the letter.
13 I can tell you where the three cultural
14 landscapes were found in the Great North
15 Woods.

16 Q. Well, beyond that, beyond the -- I'm familiar
17 with the calling of, I think there were two
18 areas. Beyond that, I'm talking about the
19 area that's outlined on the map.

20 A. (Widell) They are Mount Prospect, Martin
21 Meadow Pond cultural landscape, North Road,
22 Lost Nation Road.

23 Q. Would it be -- aside from that, would it be
24 wrong for someone like yourself with the

1 background that you have to look at the
2 entire area as potentially a cultural
3 landscape, given its importance to the
4 history of New Hampshire, logging, fishing
5 and so forth?

6 A. (Widell) Is it a potential to look at the
7 entire Great North Woods?

8 Q. Yeah, potentially.

9 A. (Widell) Yes --

10 Q. Okay.

11 A. (Widell) -- and I believe that that is
12 exactly what DHR was thinking with informed
13 information from consulting parties to
14 determine what the Great North Woods cultural
15 landscape study area would be. And so Public
16 Archeological Laboratories, which is one of
17 the consultants to Northern Pass, very
18 carefully applied the criteria and direction
19 of DHR to look at where there were cultural
20 landscapes in the Great North Woods. And as
21 I said, they found two. I was wrong in
22 saying a third because I thought the third
23 one, which is on the next page, which is in
24 the Upper Ammonoosuc area, would be -- it's

1 almost Great North Woods -- would be a third.
2 So there were cultural landscapes found.

3 Q. Yup. Given that this process is not
4 completed, if the Great North Woods were
5 found to be a cultural landscape as "the
6 Great North Woods," just hypothetically, I'm
7 not saying that it is or would be or will be,
8 hypothetically if it were, are you aware that
9 the Project calls for 32 miles of a new power
10 line corridor to be built through the Great
11 North Woods?

12 A. (Widell) Yes, I'm very familiar with that.
13 And that was taken into consideration to look
14 at the possible adverse effects on each and
15 every historic resource that was found in the
16 Area of Potential Effect in the Great North
17 Woods.

18 Q. Would you agree that, again,
19 hypothetically -- and you're an expert, so I
20 can ask you hypothetical questions -- if this
21 whole area were a cultural landscape,
22 wouldn't it be less adverse to the historic
23 site if the Project were buried through the
24 32 miles as opposed to the erection of

1 towers?

2 A. (Widell) Not necessarily. It would depend on
3 whether you have an adverse effect being
4 close to historic resources within the Area
5 of Potential Effect.

6 Q. Well, if the Great North Woods were an
7 historic resource, just like you praised in
8 your testimony the burial of the Project
9 through the White Mountain National Forest as
10 "greatly diminishing, if not eliminating the
11 adverse effects," wouldn't the same be true?
12 And I'm not asking you to determine whether
13 or not it's economically feasible or anything
14 like that. Certainly burial of the line
15 would be of less effect --

16 (Court Reporter interrupts.)

17 Q. Certainly burial of the line would be of less
18 effect.

19 A. (Widell) It would eliminate above-ground
20 visual adverse effects, yes.

21 Q. Great. Great. Thank you, Ms. Widell.

22 A. (Widell) Thank you.

23 MR. PLOUFFE: Thank you, Mr.
24 Chairman.

1 CHAIRMAN HONIGBERG: Now,
2 Ms. More.

3 MS. MORE: We have a
4 technological exchange.

5 CHAIRMAN HONIGBERG: All right.
6 Let's go off the record and get set up.

7 MS. MORE: Thank you.

8 (Pause in proceedings)

9 CHAIRMAN HONIGBERG: All right.
10 Ms. More, you may proceed.

11 MS. MORE: Thank you very much.

12 CROSS-EXAMINATION

13 BY MS. MORE:

14 Q. I want to thank both Ms. Widell and Dr.
15 Bunker for being willing to listen to
16 questions. I am speaking on behalf of the
17 Weeks Lancaster Trust and Prospect Farm, LLC,
18 which is owned by my cousin, both intervenors
19 in this process. My questions are primarily
20 for Ms. Widell. Dr. Bunker, I want to thank
21 you for your patience.

22 MS. MORE: And with your
23 permission, Mr. Honigberg, I'd like to have
24 some images up while I'm talking so that -- and

1 I'll refer to them. They're all exhibits.

2 CHAIRMAN HONIGBERG: And they're
3 going to be associated with questions --

4 MS. MORE: Absolutely.

5 CHAIRMAN HONIGBERG: -- for the
6 witnesses.

7 MS. MORE: Correct. Absolutely.

8 CHAIRMAN HONIGBERG: All right.

9 Go ahead.

10 MS. MORE: They are relevant.

11 Thank you.

12 BY MS. MORE:

13 Q. So, anyway, to begin, I want to say, you
14 stated in your team's analysis that for there
15 to be an unreasonable adverse effect on Weeks
16 State Park, that it would have to be
17 significant enough to result in loss of its
18 National Register status; is that correct?

19 A. (Widell) No, I'm not aware that we made that
20 statement. Could you tell me where --

21 Q. It was in your Preservation Company's
22 Appendix 18. But I wondered, could you
23 explain where in 36 CFR 800.5 there is a
24 reference to "loss of National Register

1 status" as an applicable standard?

2 A. (Widell) It wouldn't say "loss of National
3 Register status" in 36 CFR, which of course
4 is the criteria for determining adverse
5 effect under Section 106.

6 Q. Right.

7 A. (Widell) It would talk about "loss of
8 integrity," which would lead then to
9 eventually removing it from the National
10 Register of Historic Places.

11 So the understanding in looking at
12 adverse effect and applying what would cause
13 an adverse effect revolves entirely around
14 the loss of integrity. And once a property
15 has lost its integrity, most likely in that
16 case, through demolition, then it would no
17 longer be eligible for the National Register.

18 Q. Okay. So only demolition would result in an
19 adverse effect on Weeks State Park.

20 A. (Widell) No, that's --

21 Q. Let's go on to my next question.

22 CHAIRMAN HONIGBERG: Whoa, whoa.

23 MS. MORE: That wasn't a
24 question. That was just a statement.

1 CHAIRMAN HONIGBERG: Well, no,
2 you don't get to do that right now. Now is not
3 your turn to testify.

4 MS. MORE: Okay.

5 CHAIRMAN HONIGBERG: You can ask
6 questions that lead her to answers. You can
7 suggest to her things. But if you want to make
8 statements like that, you have to allow her an
9 opportunity to respond --

10 MS. MORE: Right.

11 CHAIRMAN HONIGBERG: -- or we're
12 going to strike those statements.

13 MS. MORE: Okay.

14 CHAIRMAN HONIGBERG: Do you
15 understand?

16 BY MS. MORE:

17 Q. Well, perhaps you'd clarify. Is demolition
18 what would cause Weeks State Park to lose its
19 National Register status?

20 A. (Widell) It may be, yes.

21 Q. Okay. Thank you.

22 The DHR, as everyone has mentioned,
23 released a document describing this pending
24 report by PAL on the broader New Hampshire

1 historic and cultural landscape. Would your
2 statement, that a one-mile APE is appropriate
3 with regard to determining adverse effect,
4 change in the context of a 10-mile area of
5 visual effect or a cultural landscape?

6 A. (Widell) No. The one-mile Area of Potential
7 Effect was established in 2013 by the
8 Department of Energy and the DHR as the area
9 likely to have adverse effects to historic
10 resources for the Northern Pass Project.
11 That would not change with the identification
12 of cultural landscapes.

13 Q. Okay. Thank you. Do you believe that the
14 historic and architectural data gathered by
15 your team and used by you for analysis
16 provided a sound basis for the conclusions
17 regarding the impact of Northern Pass on
18 historic and cultural sites along the
19 proposed route?

20 A. (Widell) Yes. But I would acknowledge that
21 in your testimony, which I reviewed, you
22 found some errors in the information that we
23 found. We depended on the National Register
24 nomination for Weeks Estate and the public

1 web sites that State Parks uses, which is
2 where some of the information that I think
3 you found was not accurate. So I wanted
4 to --

5 Q. Would you clarify what some of those sources
6 might have been?

7 A. (Widell) The sources were the --

8 Q. That could have --

9 (Court Reporter interrupts.)

10 Q. Yeah, I just --

11 CHAIRMAN HONIGBERG: Wait, wait,
12 wait. If two people are talking --

13 MS. MORE: I understand.

14 CHAIRMAN HONIGBERG: -- nothing
15 happens on the transcript. The transcript is
16 unintelligible.

17 MS. MORE: Excuse me.

18 CHAIRMAN HONIGBERG: So you need
19 to wait. Each of you needs to wait until --

20 MS. MORE: Thank you --

21 CHAIRMAN HONIGBERG: And you
22 need to let me finish, too. Okay?

23 MS. MORE: Yeah.

24 CHAIRMAN HONIGBERG: Step away

1 from the microphone. Step back from the
2 microphone for just a second. You need to wait
3 until she's finished before you say anything
4 more.

5 I've already talked to you,
6 Ms. Widell. I'm not going to need to repeat
7 that because I think you're trying.

8 Let's see if you can do this.
9 You can questions. She gives answers. You
10 ask another question. She gives another
11 answer. Okay?

12 MS. MORE: Yeah. Thank you.

13 CHAIRMAN HONIGBERG: All right.
14 You may proceed.

15 BY MS. MORE:

16 Q. I just want to get an idea of where the
17 sources were that had contributed to the
18 errors. Forgive me.

19 A. (Widell) When I checked with the team, we
20 talked about it, and it was the National
21 Register nomination for the Weeks property
22 and the web site of State Parks.

23 Q. Okay. Thank you.

24 So in that regard, however, there was

1 also data submitted on Prospect Farm,
2 LINC 01. And so there are a few examples
3 that I wanted to bring up because I wasn't
4 aware that there had been any corrections
5 made to the Weeks State Park materials.

6 So, for example, it's a small detail,
7 but it lists the son of the builder, James
8 Brackett Weeks, as William Dennison Weeks; is
9 that correct?

10 A. (Widell) I can't speak to that. It's what is
11 used in our document.

12 Q. Right. So, for the record, it was not
13 correct.

14 Secondly, Prospect Farm is described as
15 having been, quote, remodeled in the late
16 19th Century and, quote, again at an unknown
17 date in the 20th Century, with the result
18 that the analysis is noted as "incomplete."

19 Why didn't your team consult with the
20 property's owner, a descendant of the
21 builder?

22 A. (Widell) We received our information
23 regarding local information from the project
24 area forms that were completed by the

1 Department of Energy to identify regional
2 history and historic resources that need to
3 be considered in evaluating historic
4 properties for this project.

5 Q. So would you say, therefore, perhaps that
6 project area form was incomplete in terms of
7 information?

8 A. (Widell) It may have been. I was not
9 involved in the creation of that material.
10 But we were dependent upon it as the
11 contextual statement that is developed by the
12 federal agency and submitted to the
13 department of -- Division of Historic
14 Resources.

15 Q. Right. So would you agree that, in a case
16 where the information was inaccurate, it
17 might have influenced, inadvertently perhaps,
18 the analysis that was subsequently done?

19 A. (Widell) No, because we were always very
20 conservative in assuming that a property was
21 eligible for the National Register even if
22 there had been some changes, as long as -- or
23 we didn't have a complete amount of
24 information, as long as there is sufficient

1 integrity and sufficient significance to be
2 possibly eligible for the National Register.
3 So we were very comprehensive and very
4 generous in our conservative approach. And I
5 know that we certainly determined and assumed
6 that Prospect Farm was eligible for the
7 National Register.

8 Q. So in that context, the conclusion that the
9 section on Significance with regard to
10 National Register eligibility, the conclusion
11 was that only its 1941 connection to Weeks
12 State Park would have justified that
13 eligibility.

14 My question is: Would it have changed
15 your conclusion if your team's research had
16 known that the remodeling was done by George
17 P. Rowell and his Boston architect, J.
18 Williams Beal?

19 May I just -- a few more kind of
20 ancillary parts of that. Do you know, for
21 example, or would your team have known if
22 Rowell had any historic significance himself,
23 or would they have known or made the
24 connection between his architect and the work

1 that was done at the Percy Summer Club for
2 Rowell and his coterie of fishing friends,
3 would that have changed your conclusion?

4 CHAIRMAN HONIGBERG: Okay. Hang
5 on, hang on one second. Hang on.

6 MS. MORE: Yes.

7 CHAIRMAN HONIGBERG: Do you
8 understand the series of questions she's got?
9 She wants to know if you know about Rowell and
10 his associates; if you know Rowell was
11 involved, or if you had known Rowell was
12 involved, would that have changed your opinion.

13 Did I get that right?

14 MS. MORE: Absolutely. Thank
15 you. And I think Ms. Widell --

16 CHAIRMAN HONIGBERG: Let's let
17 her do it.

18 MS. MORE: Thank you.

19 A. (Widell) No, it would not have changed our
20 opinion because we already determined that it
21 was potentially eligible for the National
22 Register. And many properties are eligible
23 for a number of significance, as you heard.
24 There's Criteria A, B, C and D. It may be

1 for biography. So the relationship with him
2 may have been very important for that
3 property. But remember that whatever existed
4 at the time he redid Prospect Farm has been
5 completely demolished, or mostly demolished,
6 there may be a little bit, and completely
7 rebuilt in the 20th Century.

8 Q. All right.

9 A. (Widell) So that would not really cause a
10 relationship of Rowell with that particular
11 property.

12 I do remember that there was discussion
13 that it was related to Percy Summer Club,
14 that Rowell was -- at the time we were
15 looking at that farm. Does that answer your
16 question?

17 Q. Some, partially.

18 So in the second section, or Section B
19 on National Register eligibility, on the
20 section on Integrity, the analysis states
21 that without its barn or historic land use
22 pattern, the property does not convey its
23 earlier agricultural association.

24 Would it have mattered if your team had

1 known that in fact the entire property is in
2 tact and that the property listed separately
3 as LINC 56 has been part of the Prospect Farm
4 since 1803?

5 A. (Widell) And we realize that we didn't
6 include the barn which was across the street.
7 And now, with the cultural landscape, that
8 has been incorporated in the understanding of
9 the property, and I believe that assessment
10 is more complete. And so, yes, the barn
11 would have led us to understand perhaps the
12 agricultural significance for the property,
13 not just architectural significance.

14 Q. You're aware -- are you aware that it's not
15 just the barn, that there are --

16 A. (Widell) Yes, there are other outbuildings.
17 But the barn is very significant when you're
18 determining agricultural significance. So I
19 point that out specifically.

20 Q. So, therefore, dividing the property into two
21 separate entries, was that an error?

22 A. (Widell) It must have been from parcelization
23 of some sort. We were always looking at the
24 parcelization associated with the property.

1 Q. Could you explain? I'm not clear on what you
2 mean by "parcelization."

3 A. (Widell) The actual land associated with the
4 historic property gotten from the tax maps of
5 the local tax office.

6 Q. So the tax office -- so, even though those
7 properties are owned by the same person and
8 have been --

9 A. (Widell) I can't tell you any further than
10 that.

11 Q. Okay. So it was a reliance on the tax map --

12 A. (Widell) Yeah.

13 Q. -- that led to that error. Thank you.

14 So, see if I get that. There we go.
15 Would you agree that if the significance of
16 an historic site such as Weeks State Park or
17 Prospect Farm was its scenic view which
18 extended for over 30 miles, then a one-mile
19 APE might be inadequate to assess
20 unreasonable adverse effect?

21 This map which, was commissioned by the
22 Northern Pass, shows the area of visual
23 impact. Where the word "VT" is, or the
24 letters "VT" are, that defines the

1 northwestern edge of the area of visual
2 impact. You can't see the line to the
3 right-hand side, but you can see Weeks State
4 Park is No. B. At least I hope you can see
5 it. It's hard with the coloration of these
6 bare earth maps. But it does indicate where
7 the highest impacts are. And would you agree
8 that Weeks State Park is in the middle of an
9 area of major impact?

10 A. (Widell) Well, you've asked me two questions.
11 First, I believe, was whether I thought it
12 was appropriate to have a 30-mile bare
13 earth --

14 Q. No. Forgive me. What I said was if the
15 significance depended upon views which might
16 extend as far as 30 miles, then would a
17 one-mile APE be inadequate?

18 A. (Widell) No, a one-mile APE is what was
19 established for this project by the federal
20 agency and the Division of Historic
21 Resources, and that is the correct one for
22 assessing adverse effects on historic
23 properties.

24 Q. Okay. Thank you.

1 With regard to your assessment of visual
2 impact on a historic site, did you personally
3 visit Mountain View Grand, Weeks State Park,
4 Prospect Farm or the Percy Summer Club?

5 A. (Widell) Yeah. Well, the Percy Summer Club,
6 from the public beach. And yes, I visited
7 Weeks State Park several times, the Mountain
8 View Grand at least a couple of times. Yes,
9 the properties throughout our assessment form
10 I have personally visited and made visual
11 assessment and understood their significance
12 in seeing them.

13 Q. Did you do -- what time of year was it? Was
14 it leaf-on or leaf-off, or both?

15 A. (Widell) Both.

16 Q. Could you describe the material of the
17 existing visible structures in the ROW, the
18 transmission structures?

19 A. (Widell) The existing right-of-way structures
20 in which -- in what area?

21 Q. Well, that would be visible from Weeks State
22 Park.

23 A. (Widell) From what viewpoint?

24 Q. Well, there's --

1 A. (Widell) There's one on the east. It's very
2 much --

3 Q. The east overlook, what are they composed of?
4 Because we had a lot of discussion of the
5 ROW. So I'm just curious. When you were
6 there and you looked at those structures, did
7 you notice what they were composed of, what
8 they were made out of?

9 A. (Widell) I have the assessment form here. If
10 I could refer to that, I will share that with
11 you.

12 Q. Sure.

13 (Witness reviews document.)

14 A. (Widell) They will be replaced with monopoles
15 in pairs, five or six pairs, and will be
16 roughly 30 to 45 feet higher than the
17 existing from the east view are the ones that
18 I'm talking about. I believe the existing
19 ones in the photographs show that they are
20 H-frames.

21 Q. But what are they constructed of? If you
22 could just -- you know, when you were up
23 there and you were looking down at them --
24 the Commission visited a week or so ago, two

1 weeks ago, three weeks ago. I just want to
2 clarify what --

3 A. (Widell) They're wood H-frames. Wood
4 H-frames.

5 Q. So when we talked about or we heard about
6 mitigation and so forth, do you think the
7 appearance of those wooden frames would be
8 different than a possibly 90-foot weathering
9 metal structure?

10 A. (Widell) There would be differences, yes.

11 Q. Okay. Thank you.

12 With regard to the Mountain View Grand,
13 a National Register site, did you by chance
14 notice the cell tower located to its south?

15 A. (Widell) Yes, I did.

16 Q. And were you aware that the proposed towers
17 will be directly behind it and of
18 approximately the same height?

19 A. (Widell) No, that's not my understanding.

20 Q. Okay. Thank you.

21 I'm just curious. Why is the
22 national -- since it is a National Register
23 site, why isn't it included in Attachment B,
24 your Attachment B listing of sites for

1 potential adverse effect, where Weeks State
2 Park is? I'm just... is there a difference
3 between them?

4 A. (Widell) You're asking me the difference
5 between --

6 Q. Well, they're both --

7 (Court Reporter interrupts.)

8 MS. MORE: Sorry.

9 A. (Widell) You're asking me the difference
10 between Mountain View Grand and Weeks State
11 Park. Yes, there is a difference. The
12 evaluation of Mountain View Grand indicated
13 the tops of some structures from especially
14 the higher levels of the Mountain View Grand;
15 whereas, the Weeks State Park, the area that
16 the Project is most likely to be visible is
17 from the east overlook toward the
18 Presidential Mountains in an existing
19 right-of-way which has been there since, I
20 believe, 1946. What would be visible is 12
21 to 19 structures and the conductors between
22 them. But they are against a backdrop of
23 forest. And so they are about a mile and --
24 1.3 miles from the east overlook.

1 What is most visible in the change is
2 what is still there now, but there will be
3 some vegetation clearing, is the cut through
4 the forest. Because the views from Mount
5 Prospect are an important part of its
6 significance, I determined that it does have
7 an adverse effect because it does diminish
8 the view. It is not a large change. They
9 will not become a focal point. And in fact,
10 in the photo simulations, what is likely to
11 be most visible are the conductors themselves
12 in late afternoon sun, probably in leaf off.

13 Q. Thank you. Are you aware that people do
14 visit the park, all aspects of it, actually,
15 early morning, late afternoon and year-round?

16 A. (Widell) Yes, although the first time I
17 attempted to go to Mount Prospect, I will
18 tell you that it was closed. There was snow
19 on the ground and I couldn't get into it.
20 But I am sure that people visit it all the
21 time and it is a popular tourist place for
22 New Hampshire.

23 Q. So, now, further question. So would you
24 agree that the significance -- it sounds as

1 if you would -- the significance of Weeks
2 State Park includes the architectural
3 distinction of its rare for New Hampshire
4 arts-and-crafts-style lodge, the carriage and
5 carriage house, the views, the observation
6 from the observation tower, the lodge, the
7 overlooks, as well as the park's association
8 with the Weeks Act of 1911 and the founding
9 of the White Mountains National Forest in
10 1918?

11 A. (Widell) Yes.

12 Q. Okay. So, a few other questions. Do you
13 think that the views from the lodge museum
14 and observation tower provide the public
15 benefit?

16 A. (Widell) I'm not an expert in that area. I
17 am always a fan of historic properties that
18 teach people about how significant these
19 places are in our history and our
20 architecture.

21 Q. Thank you.

22 So I believe you stated that as many as
23 12 towers would be visible from the east
24 overlook; is that correct?

1 A. (Widell) Yes.

2 Q. Did you, by chance when you were visiting,
3 look at the ROW coming from Cape Horn to
4 Israel's River?

5 A. (Widell) I may have seen it. I can't say
6 that I specifically can identify that in my
7 mind's eye right now. There are a number of
8 existing cuts, and there are a number of
9 modern intrusions in the view. Fortunately
10 they have not overwhelmed the view. I hope
11 they don't. But there are a number of modern
12 intrusions on all sides of Mount Prospect
13 from I-93. And there is, I think maybe in
14 Vermont, there's a sewerage plant that's
15 visible.

16 Q. Well, forgive me. I was referring
17 specifically to the right-of-way coming from
18 Cape Horn south to --

19 A. (Widell) It may be --

20 Q. -- that direction.

21 Did your analysis take into
22 consideration the fact that there are two
23 parallel lines of structures in addition to
24 the distribution poles?

1 A. (Widell) Yes. There will be five to six
2 pairs of monopoles. And yes, that was taken
3 into consideration in our assessment.

4 Q. Okay. And would it make a difference -- I
5 believe that Counsel to the Public asked
6 this, but I want to revisit it briefly -- to
7 your estimation of unreasonable adverse
8 effect if existing trees and vegetations were
9 removed from the summit in an attempt to
10 bring it closer to its 1913 appearance?

11 A. (Widell) I can't speak to that as far as it
12 relates to determining an unreasonable
13 adverse effect.

14 Q. Okay. This is a second image that is looking
15 from Mount Washington. Go back to the first
16 one. This is 1835. This is an Englishman
17 who came to visit Mount Washington. And this
18 one is in the New Hampshire Historical
19 Society's collection.

20 My question is: Did you by chance look
21 at Mount Prospect from any other vantage
22 points and in context with the proposal, the
23 proposed line? So, did you by any chance go
24 to any other locations to see how it fit into

1 the landscape with regard to the proposed
2 transmission line?

3 A. (Widell) If it were in the background of a
4 historic property that was within the APE
5 which had visual significance as part of its
6 significance, then we would have considered
7 it, yes. I cannot give you a particular
8 example.

9 Q. All right. Well, so in the case of this
10 particular image, again in the New Hampshire
11 Historical Society's collection, this is the
12 site of the Waumbec Hotel very near it, and
13 the Waumbec Cottages which are on the
14 National Register. And the line would go
15 from right to left, north to south. So I
16 just wondered if you all had looked at
17 classic examples of White Mountain art as
18 part of your analysis.

19 A. (Widell) Once again, if it were a historic
20 property that had that is as part of its
21 visual context. And I know you have one in
22 your supplemental testimony that was in our
23 assessment form and then also was -- an
24 inventory form was completed for DHR. I'm

1 forgetting the precise --

2 Q. Thank you. That's all right. So if I may go
3 on. So I want to just press that just
4 slightly and then just one other question.

5 This is an 1862 picture by a well-known
6 African American artist. You know, did you
7 look at any other examples of this period of
8 19th century art and views of the landscape?

9 A. (Widell) As I said, if it were a historic
10 property that may have had these views, yes,
11 we considered them. I can't speak precisely
12 to this location.

13 Q. Okay. So, but the Waumbec Cottages, which
14 are a National Register site that we saw in
15 that last one, it might have been relevant
16 there.

17 A. (Widell) I can't speak to that.

18 Q. Okay.

19 A. (Widell) This is the one.

20 Q. Finally, you stated that there is no
21 unreasonable adverse impact on Weeks State
22 Park because the Project would not cause it
23 to lose its integrity and be removed from the
24 National Register. There were other

1 characteristics or National Register criteria
2 for adverse effect that could have been
3 applied, and I wondered if you considered,
4 for example, changes to characteristics or
5 changes in the future.

6 A. (Widell) I first want to just correct
7 something in your question, which is that I
8 had determined that there was not an
9 unreasonable adverse effect on Weeks State
10 Park. I did not make that determination. I
11 made a determination that there was an
12 adverse effect to Weeks State Park as defined
13 under Section 106.

14 Q. My understanding was -- this was Page 10 of
15 your prefiled testimony, 23 and 25 lines --
16 that the only thing that would be of
17 significance would be losing its National
18 Register status. So I was curious as to were
19 there some other National Register criteria
20 you might have considered.

21 A. (Widell) In my written testimony, it is one
22 of the reasons broadly that I found that the
23 Project did not cause an unreasonable adverse
24 effect on historic resources. And the point

1 that you are pointing out is the indirect
2 adverse effects on Weeks State Park.

3 Were there other reasons why Weeks was
4 significant? Was that the second part of
5 your question? I'm sorry.

6 Q. Well, it had to do with this notion. So the
7 only thing that I could determine that was of
8 any significance was loss of National
9 Register status. But I was curious as to if
10 there are other characteristics, things like
11 changes to characteristics or changes in the
12 future. So I wondered about the fact, you
13 know, if the line was visible. You said the
14 forest is behind it. But in fact, Mount
15 Prospect looks at Mount Washington and sees
16 the entire Presidential Range, and the
17 proposal is between the park and Mount
18 Washington.

19 A. (Widell) Yes, and it is visible --

20 Q. This view.

21 A. (Widell) -- and it does diminish the view,
22 and that's why it was stated. And I agree
23 that it is an adverse effect. But it does
24 not -- it's not a focal point. It does not

1 prevent you from seeing the Presidential
2 Range in that location.

3 MS. MORE: Thank you very much.

4 CHAIRMAN HONIGBERG: All right.

5 According to my list, I have the municipal
6 groups. Mr. Whitley or Ms. Pacik, I don't know
7 who's going first. Looks like Mr. Whitley.

8 MR. WHITLEY: One second to set
9 up?

10 CHAIRMAN HONIGBERG: Sure.

11 Let's go off the record while you set up.

12 (Pause in proceedings)

13 CHAIRMAN HONIGBERG: Mr.

14 Whitley, you may proceed.

15 MR. WHITLEY: Thank you, Mr.

16 Chair.

17 CROSS-EXAMINATION

18 BY MR. WHITLEY:

19 Q. Good afternoon or morning, Ms. Widell.

20 Afternoon. Yeah.

21 A. (Widell) Good afternoon, Mr. Whitley. I know
22 it's the afternoon.

23 Q. Good for you.

24 My name's Steven Whitley. I'm counsel

1 for several municipalities along the route:
2 New Hampton, Deerfield, Pembroke, Littleton
3 and the Water and Sewer Department of the
4 Town of Ashland.

5 I'm going to ask you some general
6 questions first. I believe we have a break
7 coming up. And then I'm going to go into a
8 little more detail about the resources in the
9 town of Deerfield.

10 First, my understanding is that your
11 opinion does not consider the impact of noise
12 on a property's significance or integrity,
13 does it?

14 A. (Widell) Noise would not normally be taken
15 into consideration in significance and
16 integrity. No, I -- no. It may be taken --
17 yeah.

18 Q. So you don't know, then, how many or which
19 properties may have potential audible noise
20 impacts from the construction or operation of
21 the Project.

22 A. (Widell) Well, you just asked me something
23 separate. Noise would be considered for
24 effects. Noise would not be taken into

1 consideration for integrity or significance
2 of a historic property.

3 Q. Okay.

4 A. (Widell) So I'm not -- I'm just trying to
5 clarify that so that we can -- I can be
6 helpful to you.

7 Q. Well, let me rephrase my initial question
8 then. In doing the effects analysis for
9 properties, did you consider the impact of
10 audible noise on a resource?

11 A. (Widell) No.

12 Q. Okay. So, you don't have a sense, then, or
13 an estimate of which of the properties you
14 identified as being National Register-listed
15 or potentially eligible to be listed could be
16 impacted by audible noise.

17 A. (Widell) That's true at this point. But
18 there are effects tables being done for
19 underground, and that would be part of that
20 consideration.

21 Q. The audible noise of the underground portion?

22 A. (Widell) Hmm-hmm.

23 Q. You mean the construction, I presume?

24 A. (Widell) Yes.

1 Q. Okay. For the -- strike that.

2 Wouldn't you agree that potential impact
3 of audible noise is equally important to the
4 above-ground properties?

5 A. (Widell) Not in this project that I'm
6 familiar with, no.

7 Q. Okay. Aren't the construction-related
8 impacts of the Project, including noise, a
9 critical component of what the SEC has to
10 evaluate?

11 A. (Widell) I'm not familiar that they need to
12 evaluate that for historic properties. I
13 believe you were talking about noise related
14 to construction, and that would be temporary
15 and would not cause an adverse effect to
16 above-ground historic property.

17 Q. But I thought you said you didn't do that
18 analysis for any of the properties as part of
19 your effects tables.

20 A. (Widell) I did not. You asked me whether I
21 thought that it needed to be done. I believe
22 that was your question. Did I misunderstand
23 that?

24 Q. Maybe I'm not being very clear, so I'll back

1 up a second.

2 A. (Widell) Okay.

3 Q. And let me first say that my question was
4 intended to cover not just construction, but
5 also operation of the Project. So I want to
6 give you a chance to change your answer if
7 so, just to be clear.

8 A. (Widell) I did not take into consideration
9 noise from operation of the Project.

10 Q. Okay. We've been over this a couple times
11 today, so I'm going to try not to belabor
12 this point too much. But I want to ask you
13 about the unreasonable adverse impact
14 analysis and the criteria that's part of the
15 SEC rules, so just bear with me here.

16 You've stated a couple times previously
17 that you didn't consider any specific
18 property when doing an unreasonable adverse
19 impact analysis; correct?

20 A. (Widell) Yes.

21 Q. Yet, you did examine specific properties for
22 their potential inclusion into the APE;
23 right?

24 A. (Widell) Yes, that is how you begin

1 determining which historic properties need to
2 be considered.

3 Q. Okay. And you also considered specific
4 properties for whether they had and to what
5 degree they had significance and integrity;
6 right?

7 A. (Widell) Yes. Hmm-hmm.

8 Q. And you also considered specific properties
9 for whether the Project had an adverse
10 effect. Your effects tables were to a
11 specific property; correct?

12 A. (Widell) Yes.

13 Q. Okay. Then, all of a sudden there's this
14 shift. And when it's time for the
15 million-dollar question of whether the
16 Project will have an unreasonable adverse
17 impact, all of a sudden the scope changes and
18 the specific property perspective is gone.
19 And I believe your testimony is that you're
20 looking at the Project as a whole; right?

21 A. (Widell) Yes.

22 Q. Surely you're aware that that sort of an
23 approach is going to dilute any adverse
24 impacts that you may find, to the point that

1 it's almost a foregone conclusion that you're
2 going to give the Project your blessing and
3 not find an unreasonable adverse impact.

4 A. (Widell) No, I disagree with that statement.

5 Q. So let me --

6 A. (Widell) It wasn't even -- it wouldn't have
7 been even close. The adverse effects on
8 these historic properties are not profound.

9 Q. Well, I understand that they're not profound.
10 And that kind of leads me to my next question
11 on this. And Attorney Plouffe kind of did
12 some questions along this line with his
13 nominator and denominator questions.

14 So let's assume that -- back up for a
15 second. You've identified six properties, I
16 believe, that have an adverse effect.

17 A. (Widell) Yes.

18 Q. Okay. So let's assume that all six of those
19 do indeed -- they have this adverse effect.
20 I don't recall seeing or hearing you speak to
21 what methodology you used to take those six
22 properties and get to the point where you
23 reached the conclusion that there was no
24 unreasonable adverse effect. And I don't

1 believe you have -- I don't believe that's in
2 your testimony, and I don't believe that
3 you've testified to that.

4 A. (Widell) I disagree. I applied -- and I
5 repeated this. I won't repeat them again --
6 the criteria applied by the SEC. As you
7 know, there is no definition for
8 "unreasonable adverse effect" in the SEC
9 rules, so --

10 Q. I do. Are you referring to -- I don't mean
11 to cut you off. But just for time's sake,
12 are you referring Site 301.14(b)?

13 A. (Widell) Yes. And I have to also say,
14 because you referenced my testimony, on
15 Page 9 of my original testimony, at Line 13,
16 I explain -- the question is: "In your
17 opinion, will this project have an
18 unreasonable adverse effect on historic
19 sites? Please explain." And I go through
20 quite a number of reasons. Would you like me
21 to go over them now or --

22 Q. No, no.

23 A. (Widell) -- is it sufficient that it is in my
24 testimony at that place?

1 Q. No. Thank you for that. And I appreciate
2 the citation to Site 301.14. That's kind of
3 what I anticipated your response would be.

4 But your methodology and your analysis,
5 it strikes me as something of a "I'll know it
6 when I see it" rather than, you know, I'm
7 going to take the numbers of properties that
8 have an adverse effect, and if they reach a
9 certain threshold, then that means that I
10 conclude it's an unreasonable adverse
11 effect." And I'm just curious if that's
12 correct.

13 A. (Widell) No. If you look at Site 301.14(b),
14 the SEC is directed to look at all of the
15 sites. So you're looking at all of the
16 historic properties that were found and
17 identified. And we know that universe at
18 this point from DHR. There are seven or
19 eight being submitted almost as we speak. So
20 we know all of the historic sites, all of the
21 archeological resources potentially affected.
22 And then any potential adverse effects by
23 going through that very carefully, property
24 by property, applying the 36 CFR definition

1 of "adverse effect," we have a pretty good --
2 a very good, very thoughtful idea of how many
3 adverse effects are on those resources and
4 then the number and significance of the
5 adversely affected historic sites. So we're
6 looking at, in my list of six, they're not
7 just individual properties. They include the
8 North Road Agricultural District, which has
9 over a hundred properties in it, and then
10 also Weeks State Park, which is an entirely
11 different kind of property, and then Maple
12 View Farm, which is an individual farm. So
13 that is what that is referring to.

14 Q. And I understand your answer. And I put up
15 on the screen there, I don't know if you saw
16 it or not --

17 A. (Widell) It's on a different screen, but
18 that's okay. I get to move.

19 Q. Sorry. I put up there Site 301.14(b), which
20 you see towards the bottom half.

21 A. (Widell) Yes.

22 Q. And that's what you were just reading from;
23 correct?

24 A. (Widell) No. I'm sorry. That's not what I

1 was referring to. Oh, at the bottom.

2 Q. At the bottom.

3 A. (Widell) I'm sorry. Yes, it was. Thank you.

4 Q. Okay. And my question is: In looking at
5 that SEC regulation, I don't see any --
6 you're right. You read it correctly. I
7 mean, those words are in there. But I don't
8 see anything in there that tells you to, for
9 instance, take those six properties and do
10 sort of a mathematical calculation like
11 Attorney Plouffe was talking about, where you
12 have six in the numerator and then you have
13 all the other historic resources you found in
14 the denominator, and when you do that
15 calculation, if it's above a certain number,
16 then you have an unreasonable adverse effect.
17 I don't see that in there. And so that
18 means --

19 A. (Widell) I did not do that.

20 Q. Well, that means you had to fill in the blank
21 and figure out how to make that sort of a
22 judgment call. And that's what I don't see
23 in your testimony or hear in your testimony
24 today is how you did that methodology or how

1 you would have done that calculation.

2 A. (Widell) I didn't use a mathematical
3 calculation to determine this. That's why I
4 was a history major. But in my testimony I
5 identify, I enumerate a number of the reasons
6 of why and how I came to my determination as
7 a professional in this field, many, many
8 years looking at these sorts of things where
9 you identify, assess and minimize, mitigate,
10 that this is not an unreasonable adverse
11 effect for a project of this size.

12 Q. I understand that's your ultimate conclusion.
13 And maybe the way to get at it is to say,
14 other than what you've referenced in your
15 original testimony, I believe you said
16 Page 9, starting at Line 13 --

17 A. (Widell) Yes, that --

18 Q. -- that that's the sole reference that you
19 can think of, sitting here today, where you
20 speak to this question.

21 A. (Widell) That's the primary one for sure,
22 yes.

23 Q. Okay. All right. I want to turn now to one
24 of the resources in the town of Deerfield,

1 and this is 47 Candia Road. If you give me
2 just one second here, I'll pull up...

3 All right. What I've got here is the
4 inventory form for that property on the
5 screen there. Do you see that?

6 A. (Widell) Yes.

7 MR. WHITLEY: And just for the
8 record, on the top of this exhibit which is
9 going to be marked as Joint Muni 264, but we
10 haven't done that yet, but we will do that,
11 there's "Confidential - Subject to Motion for
12 Protective Treatment." It's my understanding,
13 due to prior conversations, that it's okay for
14 us to proceed in the open here, that we don't
15 need to go into confidential session to ask
16 questions about these documents.

17 CHAIRMAN HONIGBERG: Mr. Walker,
18 you're nodding your head.

19 MR. WALKER: Yes, that's fine.

20 CHAIRMAN HONIGBERG: All right.

21 Mr. Whitley, you may proceed.

22 MR. WHITLEY: Thank you.

23 BY MR. WHITLEY:

24 Q. I'm going to turn now, Ms. Widell, to Page 12

1 of 27. And you see there the Statement of
2 Integrity?

3 A. (Widell) Yes.

4 Q. And I just want to have you look at the two
5 highlighted portions there. So the first one
6 says that the property retains integrity of
7 location, design, setting, materials,
8 workmanship, feeling and association; right?

9 A. (Widell) Yes.

10 Q. And I'm trying to read slowly. And then the
11 second highlighted section there at the
12 bottom says, "The property conveys the
13 historic associations of the farm as a mixed
14 agricultural family farm. Though the
15 property has not been in use as a farm since
16 the 1970s, it retains many historic features
17 and land use patterns, including open fields,
18 stone walls, granite fence posts and wooded
19 areas." Do you see that?

20 A. (Widell) Yes.

21 Q. Now I want to turn to the effects table for
22 this property. And this will be marked as
23 Joint Muni 265. And again it has the same
24 header which we are going to not worry about.

1 But you see that on your screen there?

2 A. (Widell) Yes. The effects table is actually
3 nine pages long.

4 Q. It is.

5 A. (Widell) So are we going to be able to look
6 at all of that?

7 Q. Well, okay. So, on the effects table here,
8 we're going to go to Page 3. And if you have
9 a hard copy there --

10 A. (Widell) I do.

11 Q. Yeah. And this is the portion of the effects
12 table that describes the relationship of the
13 Project to this particular resource; right?

14 A. (Widell) Yes.

15 Q. You see in those two highlighted sections
16 that the line runs north of the Deerfield
17 historic center along a rise and crosses
18 North Road, and it ranges in distance from
19 .9 miles to over 1.1 miles away. Do you see
20 that?

21 A. (Widell) Yes.

22 Q. And then the next little section talks about
23 the types of structures. There's going to be
24 towers ranging in height from 115 feet to

1 140 feet -- excuse me. One existing 115 line
2 is going to be relocated to some new monopole
3 structures, 83-1/2 to 101-1/2 feet --

4 A. (Widell) Yes.

5 Q. -- and an existing line along the north side
6 is supported on a monopole which ranges from
7 73 to roughly 88 feet; right?

8 A. (Widell) Yes.

9 Q. Okay.

10 A. (Widell) This is obviously in an existing
11 corridor, and the description of the existing
12 is at another location.

13 Q. Yes.

14 A. (Widell) So I just want to reiterate that
15 these are --

16 Q. I know. And you'll -- I promise you that if
17 there are things you need to say when we're
18 one with the questioning --

19 A. (Widell) Thank you.

20 Q. -- you'll have an opportunity to do that.

21 A. (Widell) Okay. Thank you.

22 Q. So, on to the next page, which is Page 4.
23 We're looking at the adverse effect
24 evaluation. And I've highlighted a couple

1 segments there. But if you're flipping, tell
2 me when you're there.

3 A. (Widell) I'm there. Thank you.

4 Q. Okay. So that first highlighted sentence
5 says that the views of the Project are only
6 going to occur from the fields north and east
7 of the barn and that the views will be
8 limited to the tops of the structures in the
9 distance, and that's due to mature vegetation
10 around the perimeter of the field and the
11 topography. Then it finally says vegetation
12 around the perimeter makes it so there are no
13 panoramic views.

14 A. (Widell) Yes.

15 Q. See all that?

16 A. (Widell) Hmm-hmm.

17 Q. And then there's the ultimate conclusion
18 reached regarding no adverse effects, and
19 that is that the limited views of the Project
20 would not noticeably alter or diminish
21 aspects of the historic setting and landscape
22 that contribute to the significance of the
23 property. Do you see that?

24 A. (Widell) Yes.

1 Q. Okay. And did you prepare this form, or was
2 it one of the contractors?

3 A. (Widell) This was done by Preservation
4 Company and myself. I participated in the
5 completion of all of the effects tables and
6 reviewed them.

7 Q. Okay.

8 A. (Widell) In addition --

9 Q. Am I correct that the wooded fields and
10 vegetative screening is the primary reason
11 for the conclusion that there's going to be
12 no adverse effect here?

13 A. (Widell) No. There's also distance involved.
14 There are no panoramic views of the Project
15 itself.

16 Q. But the panoramic views are -- there are no
17 panoramic views due to vegetative screening
18 in the woods; right?

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

20 Q. So it's distance and then vegetative
21 screening or the wooded fields.

22 A. (Widell) And another thing which I think is
23 very important to understand when you're
24 looking at determining visual adverse effects

1 to a historic property, on this effects table
2 there's discussion of significance and also
3 integrity. And so, would seeing the very
4 tops of the structures which are contrasted
5 against the woods cause you not to understand
6 the significance of this property? It's an
7 18th Century house. It's been well cared
8 for. The English barns, the door yard, the
9 barn yard, the other vegetation that is
10 there, would that cause an adverse effect on
11 that historic property to the point where it
12 would diminish what makes it eligible for the
13 National Register?

14 Q. And I understand that. And I think that
15 you've testified to that several times in the
16 last couple days. So I'm going to try to
17 keep us on track so that we can --

18 A. (Widell) Okay. I'm sorry. But it's not just
19 whether you can see it. And that's really an
20 important --

21 Q. I understand. I understand that's your
22 opinion.

23 A. (Widell) Thank you.

24 Q. But let me ask the questions and then you can

1 answer them. Okay?

2 A. (Widell) Thank you.

3 Q. Okay. So on the next page here is a map
4 which gives us some orientation about what
5 we're looking at. And the property in
6 question is outlined in yellow. And then the
7 purple line is the Project corridor; correct?

8 A. (Widell) Yes.

9 Q. And as the previous page or pages describe,
10 the views of the Project are limited to that
11 little, I guess that's kind of a trapezoid,
12 on the right-hand side of the property
13 boundary; right?

14 A. (Widell) Yes.

15 Q. And then there's a road that intersects. And
16 on the western side is the farmhouse and on
17 the eastern side is an old barn; correct?

18 A. (Widell) Yes.

19 Q. And then there's a bird's-eye view here on
20 Page 9. And this is just kind of a blow-up
21 of what I was just describing.

22 A. (Widell) Hmm-hmm.

23 Q. That's a "Yes"; correct?

24 A. (Widell) Yes.

1 Q. Just for the stenographer.

2 So the trees along the north side of the
3 field there, those are the ones that were
4 mentioned previously as blocking the views
5 from the farmhouse and certain areas near the
6 barn --

7 A. (Widell) Yes.

8 Q. -- is that correct?

9 I'm going to put up now what's going to
10 be marked as Joint Muni 266. And this is a
11 letter recently submitted to the SEC, and
12 this is from the owners of 47 Candia Road.
13 Are you familiar with this letter?

14 A. (Widell) I am.

15 Q. Okay. Fair to say that they disagree with
16 your conclusions about visibility and impact
17 on their property? Yes?

18 A. (Widell) Yes.

19 Q. If you look at that introductory paragraph
20 there, the highlighted section, they dispute
21 that there are -- and I'm paraphrasing
22 here -- they dispute that there are limited
23 views that would not alter and diminish
24 aspects of the setting and landscape; rather,

1 they contend that there are prominent views
2 of multiple towers in the Project corridor
3 that will permanently and irreparably alter
4 the historic setting and landscape of the
5 property and its connection to Deerfield
6 Center. Do you see that?

7 A. (Widell) Yes.

8 Q. And then later in the letter they go through
9 some of the reasons why they feel that way.
10 And the first one is, and that's in
11 Paragraph 1 of the letter there, that there's
12 a heavy reliance on foliage screening the
13 property in the effects table. And the
14 owners here make the point that leaf-off
15 occurs six months out of the year, and in
16 those conditions they can clearly see the
17 historic Deerfield Community Church steeple.
18 And that's from most of the barn field as
19 well. And they point out that the elevation
20 of the corridor behind the church is actually
21 higher than the church, and the Project
22 towers will extend more than twice the height
23 of the steeple that's visible from the
24 property. You see that?

1 A. (Widell) I see the statement, yes.

2 Q. Okay. And do you have any reason to disagree
3 with the duration of time that the leaves are
4 off or the impact that leave-off conditions
5 will have on the visibility?

6 A. (Widell) Our effects evaluation was done
7 leaf-on and leaf-off. I would not say that
8 our evaluation is totally dependent on
9 vegetation. The property -- the corridor is
10 .9 of a mile to 1.1 of a mile away from the
11 property. And this is visibility not from
12 the buildings or the barns or the barnyard.
13 This is visibility from -- that we said where
14 there's limited visibility within the fields.
15 I think that's very important. So it is --
16 you're not going to see the structure in
17 public views of the property and public views
18 of the barn. The limited views are from the
19 field behind the property on the north side.

20 Q. I'm going to move on to Paragraph 4 of this
21 letter, which is -- and I'm just scrolling
22 down the page here. And in this paragraph
23 they're speaking about the vegetation around
24 the field. And the owners point out that the

1 trees at the perimeter are not owned by them,
2 that they're actually on an adjoining parcel.
3 And there's no guaranty that those trees are
4 going to be there tomorrow, two months, five
5 years, ten years down the line. And assuming
6 those trees are gone, there will be a
7 significant visual impact on their property.

8 A. (Widell) I can't speak to that because we
9 didn't do an evaluation without the trees
10 being there.

11 Q. Okay. You don't have any reason to dispute
12 their contention that those trees are on
13 someone else's property.

14 A. (Widell) I wouldn't know that.

15 Q. Okay. The fifth paragraph talks about some
16 ash trees lining the road. And I'm going to
17 flip back and just orient us on what they're
18 referring to. And my understanding is what
19 they're referring to is a line of ash trees
20 along the road here. Is that your
21 understanding of what they're referring to as
22 well, Ms. Widell?

23 A. (Widell) I don't know precisely. But I'm
24 assuming that, given the familiarity I have

1 with the property.

2 Q. Okay. Do you see the picture I have on the
3 screen here? I don't know if you saw that.

4 A. (Widell) Yes, and that is on Page 9 of the
5 effects table.

6 Q. Correct. On Page 9 of the effects table,
7 which was going to be Joint Muni 265.

8 So, going back to the letter now, the
9 ash trees lining the road, the owners state
10 that they're not in good health and they're
11 being damaged by emerald ash borer and are
12 likely to die. And when that happens,
13 they're going to have a clear view from parts
14 of the farmhouse across the field towards the
15 center, and the towers are going to be
16 visible. Do you have any reason to dispute
17 the health of the trees or the impact it may
18 have when they're gone?

19 A. (Widell) I cannot speak to the health of the
20 trees.

21 Q. Do you have any reason to dispute what the
22 lack of those trees, how that will influence
23 the visibility of the Project?

24 A. (Widell) No, not without doing another

1 evaluation.

2 Q. Okay. Thank you.

3 MR. IACOPINO: Mr. Whitley, did
4 you mark this letter?

5 MR. WHITLEY: No, it's --

6 MR. IACOPINO: This was a public
7 comment letter that came in?

8 MR. WHITLEY: It was a public
9 comment letter that came in. Yes, it was. And
10 it's going to be marked as Joint Muni 266.

11 CHAIRMAN HONIGBERG: How much
12 more do you have?

13 MR. WHITLEY: I'll be at a
14 stopping place in two minutes.

15 BY MR. WHITLEY:

16 Q. I notice, Ms. Widell, that the inventory form
17 and the effects table, there's no pictures
18 anywhere looking towards the Project. There
19 are pictures of the structures, and there are
20 pictures of some of the features in and among
21 the property, but there are no pictures
22 looking at the northern part of the field and
23 seeing that vegetative screen anywhere.

24 A. (Widell) I believe Photo 2 is in the

1 direction of the field on the north side of
2 the barn.

3 Q. You're looking at the inventory form?

4 A. (Widell) No, I'm looking at Page 8 of the
5 effects table. That's the field that is
6 north of the barn.

7 Q. Ms. Widell, if you look at Page 5, this is
8 the diagram that shows the pictures and what
9 direction they're in. If you see Picture 2,
10 it's actually due east, and it's not towards
11 the Project corridor; isn't that correct?

12 (Witness reviews document.)

13 A. (Widell) It certainly appears that way on
14 that piece of paper, yeah.

15 Q. So, again, there doesn't appear to be any
16 pictures in the inventory or the effects
17 table looking towards the Project corridor,
18 does there?

19 A. (Widell) I can't speak to that without
20 looking at it more carefully.

21 Q. Okay.

22 MR. WHITLEY: This would be a
23 good time for a break, Mr. Chairman.

24 CHAIRMAN HONIGBERG: All right.

1 We'll break for 15 minutes.

2 (Recess taken at 2:48 p.m., and the
3 hearing resumed at 3:07 p.m.)

4 CHAIRMAN HONIGBERG: Mr.
5 Whitley, you may continue.

6 MR. WHITLEY: Thank you, Mr.
7 Chairman.

8 Could I get the Apple TV back
9 up, Dawn?

10 BY MR. WHITLEY:

11 Q. Hello again, Ms. Widell.

12 A. (Widell) Hello.

13 Q. I want to turn now -- is your screen working
14 now?

15 A. (Widell) Yes. It's showing a ski slope.

16 Q. That's right, that's right, which we're
17 unfortunately not going to talk about.

18 So I wanted to turn now to the Deerfield
19 Center. And bear with me here. So what I've
20 put up here is Counsel for the Public
21 Exhibit 438. And this is the effects table
22 for Deerfield Center. Do you see that?

23 A. (Widell) Yes.

24 Q. Okay. And we've talked about this a couple

1 of times in the last couple days, so I'm
2 fairly certain you're familiar with this;
3 right?

4 A. (Widell) Yes, I am.

5 Q. Okay. Your ultimate conclusion was that
6 there was no adverse effect from the Project
7 on this resource.

8 A. Yes.

9 Q. Can you say that again? I didn't hear you.

10 A. (Widell) Yes.

11 Q. All right. Let's look through the portions
12 of this effects table. We're first going to
13 go to Page 3. And this is the description of
14 the property, and I've highlighted here two
15 statements which appear to contradict each
16 other. The first one says that Upham Drive,
17 the existing transmission line is very
18 visible from the center of the district
19 through the opening of that road. And then
20 the next highlighted portion says rear
21 portions of other lots have grown up to woods
22 and have therefore been excluded because
23 they're not visually connected. "For this
24 reason, there are no significant views from

1 the district to the setting outside of the
2 district." So I don't understand how you can
3 have it both ways. You were saying just
4 earlier that you have a clear view outside
5 the district, and then the next sentence you
6 said there are no views outside the district.
7 So that's confusing to me. I don't
8 understand how you can have both things.

9 A. (Widell) Let me explain. The Deerfield
10 Center Historic District was placed on the
11 National Register in 1980. And the
12 discussion of the rear portion of lots that
13 is in the paragraph right before 2 on what
14 you're indicating is a description of the
15 setting of the Deerfield Center Historic
16 District at the time it was placed on the
17 National Register. Obviously there have been
18 changes since 1980 and all the places that we
19 list. And that's the case, too, of
20 Deerfield. There was, in 2003, a new road, a
21 short, new road called Upham Drive that was
22 put into the historic district. And it leads
23 to Sherburne Woods, which is a new elderly
24 housing project and --

1 Q. I understand that the listing predated Upham
2 Drive coming into existence. And I
3 understand that at the time this quotation
4 from the National Register would then make
5 perfect sense. But the following sentence,
6 there's that statement from the National
7 Register which is in quotations, and then
8 there's a new sentence that says, "For this
9 reason, there are no significant views from
10 the district to the setting outside of the
11 district." And that sentence is not in
12 quotations, and I don't read that as being
13 part of the initial National Register
14 nomination in 2002. So, again, I don't
15 understand how both of those can be correct,
16 because just previously there's a statement
17 that you can see outside the district from
18 Upham Drive.

19 A. (Widell) Let me help you understand. So in
20 establishing and discussing in a National
21 Register nomination -- in this case, the
22 setting for Deerfield Center Historic
23 District -- it was important to talk about
24 the fact that views outside of the district

1 from the rear portions were not significant.
2 That's what they are establishing in the
3 quoted area of the National Register
4 nomination. And the statement behind it is
5 just confirming that. "For this reason,
6 there are no significant views from the
7 district to the setting outside of the
8 district."

9 Q. So the view down Upham Drive looking at the
10 existing transmission line is not deemed to
11 be a significant view?

12 A. (Widell) That's correct. We would call that
13 a "modern intrusion." And it's very
14 important to understand that when you have a
15 modern intrusion within a view from a
16 historic resource, that you've already got --
17 basically, you've affected the historic view
18 and the setting and the feeling and the
19 association. So --

20 Q. And I'm going to ask you about that in a
21 second. I don't mean to interrupt. But I
22 just want to get through these questions in a
23 timely way. So you'll have an opportunity to
24 speak to that in a second.

1 I want to turn now to Page 4. And this
2 just talks about, again, the relationship of
3 the Project to the property. And you see
4 that highlighted portion there?

5 A. (Widell) Yes.

6 Q. That talks about just the proximity of the
7 corridor to the western-most boundary of the
8 district and also the proximity to the
9 closest structure. And it says it's .03 to
10 the -- from the nearest boundary to the
11 corridor and .09 from the most northwesterly
12 structure, which is the Deerfield Community
13 Church; right?

14 A. (Widell) Yes.

15 Q. And I did some math, which tends to be
16 problematic. But I mean .03 miles is about
17 160 feet, a little less than 160 feet.

18 A. (Widell) Hmm-hmm.

19 Q. And .09 miles, 470, 480 feet, give or take.
20 Would you accept that?

21 A. (Widell) Yes. Hmm-hmm.

22 Q. So a little further down on the page here is
23 when we start getting into the adverse effect
24 evaluation. And the first highlighted

1 sentence there, I'll just read it real quick.

2 "The significant views of the historic
3 district are the public views of the
4 buildings in relation to the historic
5 setting, which are village lots with
6 buildings facing inward towards each other
7 and the road." And to me, that suggests an
8 extremely narrow standard for evaluating
9 adverse effects, and it suggests that we're
10 to ignore anything in the viewshed that is
11 outside the district, no matter how visible
12 it is. Is that a fair statement?

13 A. (Widell) No. As was just stated and taken
14 directly from the Deerfield Center Historic
15 District, it was established in the National
16 Register nomination: The views outside of
17 the setting of the Deerfield Center Historic
18 District were not deemed significant.

19 Q. I'll pose the question again maybe another
20 way. I understand your answer, but the kind
21 of logical endpoint of that is there is
22 nothing that can happen outside of the
23 district that might be visible from within
24 the district that could result in an adverse

1 visual impact. Is that --

2 A. (Widell) No, I would disagree with that.

3 Obviously, we did a full assessment of visual
4 impact of the visibility of structures that
5 are outside of the Deerfield Center Historic
6 District.

7 What this is establishing is that views
8 from the rear portions of those houses are
9 not character-defining features which
10 contribute to the significance of the
11 Deerfield Center Historic District. And
12 that's important in determining whether there
13 is an adverse effect.

14 Q. Okay. I want to walk now through the rest of
15 the description or the analysis that's in
16 this effect evaluation, because when I read
17 this, it stuck out to me the great care that
18 was taken to try to minimize the extent of
19 the impact in the way it was described. And
20 so I've highlighted, you know, just the way
21 that this form was put together, and I'm just
22 going to touch on these very briefly.

23 Starting at the top, and this is Page 5,
24 "...Project will not visible throughout the

1 District... not be visible in the majority of
2 views... nor will it be prominently visible
3 in the main public views... possibility of a
4 brief view... will not dominate the view..."

5 Next paragraph, "...will be visible in
6 some views..." and then "...the possibility
7 of a view..." And then going down a couple
8 paragraphs, there's "...the possibility of a
9 view of a portion of the same structure..."
10 And then towards the end here, "the
11 occasional views represent a small percentage
12 of multiple public views... on the whole...
13 views from scattered locations... similar to
14 the current isolated and filtered views...
15 Largely in views that are not
16 character-defining. The existing occasional
17 views..."

18 And then at the end, and this is the
19 concluding paragraph, "As a whole, several
20 isolated views..." And again, the same sort
21 of language, "occasional view... main public
22 views... isolated views..." And then the
23 last sentence is that there's not going to be
24 any impact that would alter the

1 characteristics in a manner that would
2 diminish its integrity or ability to convey
3 significance.

4 And again, it struck me that there was
5 great effort taken to try to minimize to the
6 reader how prominent and what a large impact
7 the Project is going to have on this
8 resource. And I'm sure that you don't agree
9 with that.

10 MR. WALKER: Objection. Is
11 there a question?

12 CHAIRMAN HONIGBERG: Not yet.

13 BY MR. WHITLEY:

14 Q. Do you agree with that?

15 A. (Widell) No. I think that it points to the
16 care within which we made the assessment, and
17 in each of these effects tables, of what the
18 views are, what the significance of the
19 historical resource is, and what the
20 character-defining features of it and the
21 setting are. So that's what you are looking
22 at here is going through all those different
23 things that contribute to your final decision
24 as to what an adverse effect is on historic

1 property.

2 Q. We're going to walk through some of the
3 pictures in a second. But, you know, I take
4 it from just the portions that I read that
5 you would agree there are views of the
6 Project from within the district; correct?

7 A. (Widell) Yes.

8 Q. I'm sorry?

9 A. (Widell) Yes.

10 Q. And they have some impact, but maybe not an
11 adverse impact in your opinion.

12 A. (Widell) Yes, there is an effect, but I do
13 not believe it is an adverse effect.

14 Q. Okay. Well, let's look at some of the
15 pictures. So we're going to start with the
16 following page. And just to orient
17 ourselves, the yellow -- this is Page 6 --
18 the yellow boundary is the boundary of the
19 district, and as before, the purple line is
20 the corridor; is that correct?

21 A. (Widell) Yes.

22 Q. And the structure that was mentioned in that
23 analysis as being in a lot of the views where
24 the Project is visible is in the upper left

1 of this diagram, right here where the No. 4
2 photo was taken; correct?

3 A. (Widell) The structure would be located
4 within the corridor close to where the
5 corridor crosses Church --

6 Q. I'm sorry. I said structure. I meant the
7 building within the district, not a tower
8 structure.

9 A. (Widell) The building within the district
10 that --

11 Q. I'll say it again.

12 A. (Widell) Thanks. I want to make -- okay.

13 Q. I didn't mean to confuse you.

14 So we've got the boundary of the
15 district here in yellow. In that analysis,
16 the adverse effect analysis that I just read
17 selective phrases from, there was some
18 reference to there being a view of the
19 Project. And what I'm asking you to confirm
20 is that that view was largely near the
21 building within the district that is in the
22 upper left of the district.

23 A. (Widell) Yes. It is called the Deerfield
24 Community Church.

1 Q. Thank you. And that is the measuring point
2 that was referenced earlier as saying it was
3 475 feet from the corridor.

4 A. (Widell) Yes.

5 Q. Okay. Go now to -- and I hope that's on your
6 screen, Ms. Widell.

7 A. (Widell) Yes, it is.

8 Q. Okay. Thank you. This is the photo sim that
9 the Applicant's expert created -- and that's
10 Mr. DeWan. And you see there that the tower
11 in question that I just described -- well,
12 first of all, the building there is the
13 Deerfield Community Church; correct?

14 A. (Widell) Yes.

15 Q. And then the Project tower is going to be
16 where that black arrow is; right?

17 A. (Widell) Yes, in this photo simulation.

18 Q. Okay. And there's language below the picture
19 that the tower is going to be largely
20 screened even in leaf-off conditions. And
21 then there's another statement that this is a
22 view that one would see when driving through
23 the district; right?

24 A. (Widell) Yes.

1 Q. Both of those statements are only true,
2 though, if you don't really move any further
3 down the street; right?

4 A. (Widell) No, not exactly.

5 Q. Well, say, for instance, we moved to -- you
6 see the car there down the street? I don't
7 know what distance that is, but, you know,
8 it's probably more than 10 or 20 feet. So
9 you're saying if you move all the way to that
10 car, that that tower is still going to be
11 obscured by those trees?

12 A. (Widell) I don't have a photo simulation of
13 that view. But no, you would see the
14 structure that is there. It would not --
15 slightly in your mind's eye. But, yeah, you
16 would see it in that area.

17 Q. Okay. So there's at some point from where
18 this picture was taken where you move, and I
19 believe that's a westerly direction on the
20 road, where the trees there are no longer
21 screening that tower; correct?

22 A. (Widell) Yes, but the tower is further out
23 when you're --

24 Q. I know, I know --

1 A. (Widell) That's why I say it's not accurate
2 to determine precisely what you would see
3 without a photo simulation.

4 Q. So the trees, then, only screen the view of
5 the tower from particular locations or for a
6 fairly short, finite amount of time within
7 the district.

8 A. (Widell) Yes.

9 Q. Okay. I want to go to a different photo now,
10 and this is one by Counsel for the Public's
11 expert, Mr. Boyle. I guess it's not Mr.
12 Boyle, but that's the name of the company.
13 And you see this is from a slightly different
14 perspective. But the steeple on the building
15 right there, that's the same building we were
16 just looking at; right?

17 A. (Widell) Yes.

18 Q. And that tower where the black arrow is,
19 that's the same structure; correct?

20 A. (Widell) Yes, it is.

21 Q. Okay. And this is a much different view
22 because the Boyle Company chose it to show a
23 location that does not perhaps artificially
24 diminish the magnitude of the view; correct?

1 A. (Widell) I can't say that it was chosen for
2 that reason. This view is from the front of
3 the old Deerfield Town Hall.

4 Q. But you would agree that the tower or the
5 Project is much more clearly visible from
6 this vantage point than the one that Mr.
7 DeWan chose.

8 A. (Widell) It is more visible because it is not
9 behind vegetation, yes.

10 Q. Okay. Thank you. The text that's below this
11 picture admits there's going to be a new
12 structure, and that's the one that's pictured
13 of 130 feet that's going to be above the roof
14 line and the trees, and quite prominent
15 because it's going to be silhouetted against
16 the sky; isn't that correct?

17 A. (Widell) It will be silhouetted against the
18 sky, yes.

19 Q. And the height that I stated is correct as
20 well, 130 feet --

21 A. (Widell) Yes.

22 Q. -- above the roof line and the trees, or will
23 be?

24 A. (Widell) Yes, it is above the roof line.

1 Yes.

2 Q. And I believe what the text says is that
3 roughly one-third will be above the roof line
4 and the trees. And again I'm doing the math.
5 But a third of 130 is roughly 43 feet. Would
6 you accept that?

7 A. (Widell) A third of 130 is 43 feet, yes.

8 Q. So that's like having a typical wooden
9 utility pole rising up into the sky from the
10 tree line and the roof line; right?

11 A. (Widell) Yes, it is like a typical utility
12 pole being seen in a view of a historic
13 district.

14 Q. And the text states that this is not a view
15 that will be present throughout the district,
16 but then it says that it is largely viewable
17 from that particular perspective and
18 location; right?

19 A. (Widell) Yes.

20 Q. But it's more than that particular location,
21 because as long as you're not viewing that
22 tower from the position that Mr. DeWan was
23 in, you're likely to have a view of that
24 tower; correct?

1 A. (Widell) No, not exactly. Certainly in that
2 portion of the historic district. But moving
3 east, of course, you would not. And when you
4 also move north it is not as visible. I have
5 spent a great deal of time walking through
6 that historic district to do this assessment.

7 Q. Okay. I want to go on to the next picture.
8 And this is the Forest Society's expert, Mr.
9 Dodson. And you see this is the same
10 building we've been talking about, the
11 Deerfield Community Center.

12 A. (Widell) Yes.

13 Q. And the structure there is the same one we've
14 been talking about; correct?

15 A. (Widell) Yes. I think you can see that in
16 the paragraph below it that there are some
17 inaccuracies, and it related to the
18 wires or --

19 Q. I know, Ms. Widell. I didn't ask you a
20 question about that. You will have an
21 opportunity to add that sort of commentary
22 later on today, okay.

23 The tower of the Project is not screened
24 from where this picture is taken, is it?

1 A. (Widell) No, it is not.

2 Q. And just like the other one, it's above the
3 tree line and it's silhouetted by the sky;
4 correct?

5 A. (Widell) Yes.

6 Q. I want to go now to some of the work that the
7 Boyle Company did on visual impact
8 assessment. So this is from Counsel for the
9 Public's 138. And it is Appendix F to the
10 prefiled testimony of T.J. Boyle &
11 Associates. And this is the visual impact
12 analysis for Deerfield Center. Have you
13 reviewed this before?

14 A. (Widell) No, I did not do any visual impact
15 analysis. I only did assessment of adverse
16 effects to historic properties.

17 Q. No, I understand that. So that was a "No"
18 then; correct?

19 A. (Widell) Yes, that was a "No."

20 Q. Okay. I'll give you a second to read what's
21 highlighted there. Let me know -- actually,
22 it's fairly -- I'll just read it.

23 "Impacts to this resource were
24 considered unreasonable due to the height and

1 industrial character of the proposed
2 structure when compared with the existing
3 character of the town center. Although
4 switching to a steel structure helps to
5 reduce the impact, ultimately the height of
6 the line needs to be lower to avoid
7 visibility from this resource." Do you see
8 that?

9 A. (Widell) Yes.

10 Q. And following this there are some pictures I
11 want to put before you. So this just shows
12 where the pictures we're about to see were
13 taken from. And I can blow this up, Ms.
14 Widell, just so you can see it a little
15 clearer on kind of the satellite map here.
16 But do you see the yellow dot?

17 A. (Widell) Yes.

18 Q. Okay. So that is roughly maybe where
19 Mr. DeWan's picture was taken from?

20 A. (Widell) No, I do not believe it was taken
21 from that location.

22 Q. Okay. So this is -- I believe you're
23 correct. That's not what Mr. DeWan -- this
24 is the existing or the current condition

1 photograph. And this is Viewpoint DE-2 --
2 oh, where is it -- 2B. And again, there's
3 the Deerfield Community Center. You see that
4 there in the photo?

5 A. (Widell) Yes.

6 Q. Okay. And now we're looking at DE-2E. And
7 as we saw before, this is a visual simulation
8 that shows the Project rising above the tree
9 line right next to the steeple. Do you see
10 that?

11 A. (Widell) I see it. I wouldn't characterize
12 it as "right next to the steeple," but yes, I
13 see what you're showing me here.

14 Q. Okay. And it's silhouetted by the sky;
15 correct?

16 A. (Widell) Yes.

17 Q. That's a much more intrusive view than the
18 current project corridor; is it not?

19 A. (Widell) Its structure is more visible than
20 the existing project -- existing corridor.

21 Q. I'm going to turn now to Mr. Boyle's -- or TJ
22 Boyle & Associates, their supplemental
23 testimony. And this is their resource
24 evaluation. And this is Counsel for the

1 Public 139, and it's Appendix F to that
2 exhibit. And we're going to be looking at a
3 couple pages here, F-89 through 91, for the
4 record.

5 Have you seen this document before, Ms.
6 Widell?

7 A. (Widell) No, I have not.

8 Q. Okay. There's a narrative description at the
9 beginning, and I just wanted to point out to
10 you some of the highlighted text here. It
11 starts out by saying that Old Center Road
12 South, which is also referred to as Church
13 Street, is a state-designated scenic byway.
14 Were you aware of that?

15 A. (Widell) No.

16 Q. And then it goes on to talk about
17 expectations of a typical viewer. And it
18 says, "Visitors, particularly those
19 interested in New England quaintness, will
20 place a very high value on the historic
21 visual integrity. The introduction of very
22 tall steel monopole structures undermines
23 this expectation." Do you see that?

24 A. (Widell).

1 Q. That's the next highlighted section on the
2 screen there.

3 A. (Widell) Yes.

4 Q. Then the one below that says, "The visual
5 integrity of the historic district will be
6 eroded, which in turn will change the sense
7 of place and diminish their enjoyment and
8 pride." Do you see that?

9 A. (Widell) Yes.

10 Q. Turn to the following page now that
11 continues. There's a location -- this is the
12 top of the page highlighted again. "There's
13 a location as one leaves the Deerfield Town
14 Hall with a clear view of one weathered steel
15 pole structure in co-dominance with the
16 Deerfield Community Church. It is this
17 contrast which degrades the visual integrity
18 of the historic district and its sense of
19 place." Do you see that?

20 A. (Widell) Yes, I see it.

21 Q. And now to the following page, which is F-90,
22 it goes on to state, "It is culturally
23 important and sensitive to visual intrusion
24 or delegation from an industrial facility

1 that is insensitive to the community's values
2 and sense of place." Do you see that?

3 A. (Widell) Yes.

4 Q. And that sentence is describing the scenic
5 quality which is derived from the visual
6 integrity of the historic architecture.

7 And the next highlighted section is,
8 "The district's significance is increased
9 because it overlaps with other scenic
10 resources," and then it names the scenic
11 byway as one of those. Do you see that?

12 A. (Widell) Yes.

13 Q. Wouldn't you agree, in a general sense, that
14 the Deerfield Historic District is sensitive
15 to a visual intrusion from an industrial-type
16 facility?

17 A. (Widell) No, I wouldn't agree. At the time
18 that the Deerfield Historic District Center
19 was nominated to the National Register, and
20 in fact it states in the National Register,
21 and is very visibly present even in the views
22 from T.J. Boyle, that there's typical wooden
23 utility poles that run along the southerly
24 side of the street, and conductors that are

1 very visible within the setting of the
2 historic district and in views of the
3 historic buildings. Now, these are not
4 typical -- and we have an opportunity to look
5 at your photographs again -- just single
6 telephone or light poles, but these are
7 rather substantial with an arm that extends
8 over and is visible within the T.J. Boyle.
9 There are actually five that are quite
10 visible from the front of the Deerfield Town
11 Hall.

12 And so Deerfield has an existing modern
13 intrusion which distracts from views within
14 the district in certain portions. It is a
15 very important district. It has some very
16 important architecture. And as a property
17 listed on the National Register, it is of
18 value and importance to Deerfield and the
19 State of New Hampshire, but --

20 Q. I understand all that. I understand all
21 that. And we're going to get to the typical
22 telephone poles in a second, so just bear
23 with me.

24 And lastly here, T.J. Boyle states in

1 the highlighted portion, "Impacts to the
2 historic district are considered unreasonable
3 due to the height and industrial character of
4 the proposed structure when compared with the
5 existing historic character and sense of
6 place." Do you see that?

7 A. (Widell) Yes, but T.J. Boyle is doing a
8 visual impact assessment --

9 Q. I understand that.

10 A. (Widell) -- and not determining effects to a
11 historic property.

12 Q. I understand. I'm aware of that. I'm just
13 asking you if you saw the segment there --

14 A. (Widell) Yes.

15 Q. -- the language that I called out to you.

16 I'm going to go on now to Mr. Dodson's
17 visual impact assessment.

18 MR. WHITLEY: Dawn, can I have
19 the ELMO, please?

20 BY MR. WHITLEY:

21 Q. Have you seen this document, Ms. Widell?

22 A. (Widell) No, I have not.

23 Q. Okay.

24 MR. IACOPINO: If we're going to

1 see it, you're going to have to blow it up.

2 MR. WHITLEY: Okay. Give me one
3 second.

4 MS. MONROE: I can help you,
5 Steve.

6 MR. WHITLEY: And just for the
7 record, this is SPNHF 69, Page 63.

8 BY MR. WHITLEY:

9 Q. Is that on your screen, Ms. Widell?

10 A. (Widell) Yes.

11 Q. Okay. So you see in the first highlighted
12 section there, and this is Page 63 of this
13 exhibit, it says, "While there is an existing
14 transmission line corridor present, the new
15 towers would be far more imposing and
16 visible, with a height well above the forest
17 canopy. The expanded transmission line would
18 be out of scale and character within this
19 historic village setting." Do you see that?

20 A. (Widell) Yes, I see it.

21 Q. The next highlighted portion is, "The
22 proposed project will be visible to
23 motorists, bicyclists, pedestrians from the
24 historic church and along the scenic byway.

1 The duration of views will range from less
2 than a minute for drivers and from five
3 minutes to a half-hour or more for
4 pedestrians, residents and visitors to the
5 historic village and the church." Do you see
6 that?

7 A. (Widell) Yes.

8 Q. Do you have any reason to dispute the amount
9 of time stated here that it's going to be
10 within the view of the people that are
11 mentioned there?

12 A. (Widell) No, you don't measure adverse effect
13 to historic properties by amount of time.

14 MR. WHITLEY: Can I go back to
15 the Apple TV, Dawn? Hard-wired, yes, please.
16 Sorry.

17 BY MR. WHITLEY:

18 Q. Okay. So the cover page should be back up on
19 your screen hopefully shortly. Is it there?

20 A. (Widell) Not yet. Yes.

21 Q. Okay. So I just wanted to walk through some
22 of the photos that Mr. Dodson's used as part
23 of his analysis. And as before, there is the
24 Deerfield Community Church. You see that

1 there?

2 A. (Widell) Yes.

3 Q. Okay. Would you accept that this seems to be
4 a similar vantage point to what Mr. DeWan --

5 A. (Widell) Yes.

6 Q. Okay. Then we're going to go to the next
7 page here, which is Page 65. And you see
8 that this photo does very closely resemble
9 the one that Mr. DeWan used. This is a photo
10 simulation. Do you see that?

11 A. (Widell) Yes, I see it's a photo simulation.

12 Q. You can see that he, Mr. Dodson that is, has
13 marked in red on this picture. At the very
14 top it says that the proposed project is more
15 visible from other viewpoints in the village.
16 It points out the community center, but it
17 has a different descriptor for it. And then
18 the arrow on the left states that the Project
19 is clearly visible from that viewpoint there.
20 Do you see that?

21 A. (Widell) Yes, I see it states that.

22 Q. Okay.

23 MR. WHITLEY: Can I go back to
24 the ELMO, please, Dawn?

1 BY MR. WHITLEY:

2 Q. Let me know when that pops up on your screen.

3 A. (Widell) Yes, I see it.

4 Q. Okay. So this is from Appendix A of that
5 same exhibit, on Page 75. I just want to
6 point out some of the highlighted portions to
7 you.

8 Mr. Dodson states that the taller towers
9 and more visible conductors will be highly
10 visible from the village center and will
11 cross the scenic byway near the entrance to
12 the center. The proposed structures and
13 conductors are silhouetted against the sky.
14 A simulation of Deerfield Center by TD&A --
15 and I'll represent to you that I'm fairly
16 certain that's Terry DeWan -- downplayed the
17 visual impacts of the proposed project. Do
18 you see that there?

19 A. (Widell) I see it's stated there.

20 Q. Okay. You stated it before, but I assume you
21 have no reason to disagree that the proposed
22 structures and conductors are silhouetted
23 against the sky; correct?

24 A. (Widell) We're really only talking about one

1 structure in looking at the Deerfield Center
2 Historic District and determining adverse
3 effects from that historic resources. This
4 has a discussion of multiple structures and
5 entrance, which is not the case. It's not
6 visible from the entrance into the historic
7 district.

8 Q. Is that a "Yes"?

9 A. (Widell) No.

10 Q. So you don't agree that the proposed
11 structures and conductors are silhouetted
12 against the sky?

13 A. (Widell) One is.

14 Q. Okay. The next highlighted --

15 A. (Widell) I didn't see any -- I did not see
16 any wires. Conductors. Excuse me.

17 Q. Wires is fine.

18 The next highlighted section is, "The
19 proposed project will introduce a large
20 discordant feature immediately adjacent to an
21 historically intact scenic village." Do you
22 see that?

23 A. (Widell) Yes.

24 Q. Then the last highlighted portion, "The

1 Project is in full view of the historic
2 church, the scenic byway and the town green,
3 and is prominent in the foreground of the
4 view." Do you see that?

5 A. (Widell) Yes.

6 MR. WHITLEY: Can I go back to
7 the hardware, please, Dawn?

8 BY MR. WHITLEY:

9 Q. Is that picture up on your screen, Ms.
10 Widell?

11 A. (Widell) Yes, it is.

12 Q. Okay. This again is the Deerfield Community
13 Center. And this is an existing picture of
14 the community center. And I'll represent to
15 you that this vantage point is where that red
16 arrow was referring to previously in one of
17 the other pictures we viewed that stated
18 there was another location where the
19 structure was more visible. Do you accept
20 that?

21 A. (Widell) No.

22 Q. Probably because this is the existing
23 photograph. So let me go to the next one,
24 which is Appendix A, 77. And you see there

1 the structure, the Project structure, rising
2 above the tree line to the left of the
3 community center?

4 A. (Widell) Yes, in this photo simulation. Yes.

5 Q. Yes, correct.

6 A. (Widell) Once again, the conductors, as I
7 stated, do not accurately depict what they
8 would look like.

9 Q. No, I understand that.

10 I believe you stated in your testimony
11 that you worked with Mr. DeWan in arriving at
12 your conclusions. Is that true?

13 A. (Widell) I reviewed the photo simulation that
14 DeWan did for this property in coming to my
15 conclusion. I used the photo simulation that
16 was done by DeWan, yes.

17 Q. But you didn't use the photo simulations by
18 any of the experts that I've just shown you.

19 A. (Widell) That's not true. The effects table
20 was done with the T.J. Boyle photo simulation
21 as well, and I have seen this. I don't think
22 we included it, however, in the effects
23 table, which I'm looking to see if it's
24 there.

1 (Witness reviews document.)

2 A. (Widell) Yes, it is in there on Page 15. So
3 all three of them were taken into
4 consideration in determining no adverse
5 effect for the Deerfield Center Historic
6 District in the effects tables that were
7 submitted to DHR.

8 Q. Let me ask you to clarify your answer, then,
9 because I asked if you looked at any other
10 pictures, and I believe your answer was, no,
11 you only used Mr. DeWan.

12 A. (Widell) No. Well, in the original
13 assessment form. But the effects tables have
14 just been completed, and I don't believe that
15 these were completed at that point. So I
16 used all three of these in my determination
17 of no adverse effect for Deerfield Center
18 Historic District, and they are in the
19 effects tables that have been submitted on
20 Page 13, 14, and 15.

21 Q. And just to be clear, in going through the
22 exercise of the effects table, you did have
23 before you and considered these other photo
24 simulations other than Mr. DeWan's.

1 A. (Widell) Yes, I did.

2 Q. Okay. I'm going to put up now the testimony
3 of 106 Associates, which I believe you are
4 familiar with; correct?

5 A. (Widell) I am familiar with it.

6 Q. For the record, this is Deerfield Abutter 46.
7 And I think you'd agree with me, Ms. Widell,
8 that 106 Associates, Mr. Newman, is a
9 historic resources expert with 25 years'
10 experience in New England; isn't that
11 correct?

12 A. (Widell) He has indicated that and provided a
13 resume to that effect.

14 Q. Okay. He states as much on Page 1 of his
15 testimony, Lines 6 through 7 and 21 through
16 24. But I'll represent to you that that's
17 basically what it states.

18 A. (Widell) Yes.

19 Q. He disagreed with your conclusions as to the
20 resources in Deerfield; correct?

21 A. (Widell) Yes.

22 Q. Turning to Page 2 of his testimony, Lines 15
23 through 22, "The existing transmission
24 infrastructure is generally obscured and

1 backdropped by tree cover and hillsides. The
2 proposed project increases the height by up
3 to 50 percent and the tower profile by up to
4 500 percent, with the result that the new
5 towers would extend well above the tree
6 canopy, be backdropped by the sky and the
7 horizon in many instances, and loom over the
8 historic district in a way that substantially
9 degrades its scale, aesthetics and integrity.
10 In my expert opinion, based on my experience
11 reviewing over 2,200 infrastructure projects
12 for effects to historic sites, the net effect
13 of the proposed Northern Pass Project on this
14 [sic] historic district is unreasonably
15 adverse." Do you see that?

16 A. (Widell) I see it.

17 Q. And then later on, and this is his report
18 which is attached to... attached to the
19 testimony, looking at Page 5 of that report,
20 the heading here is, "The Northern Pass
21 Adversely Affects the Deerfield Center
22 Historic District..."

23 The first highlighted section there is,
24 "Contrary to the Applicant's assertion, the

1 proposed transmission line will be clearly
2 and prominently visible from multiple
3 locations within the Deerfield Center and
4 Nottingham Road Districts and form a visual
5 barrier between the two districts." Do you
6 see that?

7 A. (Widell) I see it stated.

8 Q. And then a little further down on Page 5 of
9 the report, Mr. Newman talks about the
10 Deerfield Historic District specifically.
11 And the highlighted portion says, "The
12 highlights of the new towers increase by 30
13 to 40 feet and would visibly backdrop the
14 structure as seen looking north from Church
15 Street." You don't disagree with that
16 statement, do you, Ms. Widell?

17 A. (Widell) The towers are 30 to 40 feet higher.
18 What I would very much disagree with him on
19 is that the structures are 500 percent
20 increased. I think he must be thinking of a
21 lattice structure. These are not lattice
22 structures, as indicated by the photo
23 simulations; they are monopoles.

24 Q. I understand. My question, and maybe I

1 wasn't specific enough, was just in reference
2 to that statement that I just read. So you
3 did agree that the towers increase by 30 to
4 40 feet.

5 Wouldn't you also agree that they
6 visibly backdrop the structures as seen
7 looking north from Church Street?

8 A. (Widell) They are visible in the sky.

9 Q. And then he goes on and says --

10 A. (Widell) And it's only one.

11 Q. He goes on and says that the proposed towers
12 will loom over the tree canopy, again by 30
13 to 40 feet, silhouette the metal towers and
14 wires, form a visual barrier at the northern
15 backdrop to the historic district. Do you
16 see that?

17 A. (Widell) I see that he has stated that.

18 Q. And then the last highlighted section is that
19 the visual impact of the infrastructure would
20 be jarring and offend the expectations of the
21 typical viewer within the district
22 boundaries, and the visual intrusion would be
23 in close proximity to the historic district,
24 would extend east and west as far as the

1 viewer could see, would be effectively
2 permanent, and there's no way to effectively
3 screen this equipment which varies in heights
4 up to 140 feet. Do you see that?

5 A. (Widell) I see that stated.

6 MR. WALKER: Mr. Chairman, I'm
7 going to object to this line of questioning.
8 It seems that it's now testimony. And to the
9 extent the questions are basically, "Do you see
10 it?" and he's reading from a report, it's in
11 the record.

12 CHAIRMAN HONIGBERG: Mr.
13 Whitley.

14 MR. WHITLEY: I'm asking her to
15 confirm that she's seen some of these
16 statements, and I'm asking her whether or not
17 she agrees with some of the assertions that are
18 in his --

19 CHAIRMAN HONIGBERG: I've heard
20 of lot of the first. I think I heard one of
21 the second. If you want to ask her if she
22 agrees with certain statements made by others,
23 you can ask her that. But I'm a little
24 surprised Mr. Walker didn't object to this a

1 long time ago, because all you've been doing
2 for much of the last 30 minutes is reading
3 other people's testimonies and reports and
4 saying, "Do you see that?"

5 MR. WHITLEY: I'll move on.

6 CHAIRMAN HONIGBERG: And we can
7 see it and she can see it and everybody in the
8 audience can see it, and it's in the record.
9 So you can use it for whatever purpose you want
10 later on. If you want to ask her whether
11 agrees with it or whether it changes her
12 opinion, have at it.

13 MR. WHITLEY: Thank you, Mr.
14 Chair.

15 BY MR. WHITLEY:

16 Q. Ms. Widell, in your supplemental testimony,
17 which is Applicant's Exhibit 95, you
18 reference -- well, I'll let you get it out if
19 you want to take a second.

20 A. (Widell) Thank you. Page number, please?

21 Q. I'll get there in one second. This is a
22 generic comment first.

23 You reference and object to Mr. Newman's
24 analysis of unreasonable adverse effect on

1 this resource; isn't that correct?

2 A. (Widell) Where is that statement made?

3 Q. Here we are, Page 11 of your supplemental
4 testimony. And I can point you to your
5 statement, Lines 22 through 25, which is in
6 reference to the Deerfield Historic District.
7 Do you see that there?

8 A. (Widell) Yes. And I see that the reference
9 to "unreasonable adverse effect" is his
10 statement.

11 Q. Okay. You would agree that views within the
12 district are significant ones to consider;
13 are they not?

14 A. (Widell) Yes.

15 Q. And someone standing in front of one historic
16 building in the Deerfield Center District
17 looking at the historic streetscape across
18 the street is an important and significant
19 view to consider; correct?

20 A. (Widell) Yes. The more important ones would
21 be the public views from in front of the
22 buildings, and that was looked at with the
23 Deerfield Community Church. And in fact,
24 that structure is not visible when you are

1 standing in front of that church and
2 appreciating and understanding its
3 architecture.

4 Q. I appreciate the answer, but that's not the
5 question I posed.

6 If the view is changed and the observer
7 now sees the streetscape backdropped by
8 130-foot towers and high-voltage wires, are
9 you saying that this contributing historic
10 view is somehow not affected because the
11 tower happens to be located outside of the
12 district?

13 A. (Widell) No. I said there is an effect, but
14 the effect is not adverse because of the
15 existing modern intrusion that goes
16 throughout that existing Deerfield Historic
17 District.

18 Q. And that existing modern intrusion is what?
19 The telephone, the typical telephone poles
20 and wires?

21 A. (Widell) They are not typical. They are
22 quite large. And they have a cross-beam
23 which is quite visible in all of the photo
24 simulations that we've seen.

1 Q. Doesn't the National Register refer to them
2 as "typical"?

3 A. (Widell) I think they call them "utility
4 poles." I'd have to look.

5 Q. Let's go to the following --

6 A. (Widell) "Typical wooden utility poles run
7 along the southerly side of the street, and
8 conductors for the local distribution line
9 are very visible within the setting of the
10 historic district."

11 Q. And you're reading from where?

12 A. (Widell) The effects table.

13 Q. If you turn to the next page of your
14 supplemental testimony, which is, again,
15 Applicant's Exhibit 95, on Page 12, that
16 first line, you'll see that the National
17 Register nomination states a row of typical
18 wooden utility poles runs along the southerly
19 side of the street, which I believe is the
20 same thing you just read; right?

21 A. (Widell) Yes.

22 Q. So that intrusion you spoke of, that modern
23 intrusion, is not the same thing as what this
24 project is proposing, is it?

1 A. (Widell) That's not true. The visibility of
2 this structure is a modern intrusion as well
3 into a national registered historic district.
4 And unlike seven of them, this is one. At
5 least seven within that immediate vicinity.

6 Q. So is it your opinion that a historic church
7 backdropped by 130-foot-tall transmission
8 line is typical?

9 A. (Widell) I'm sorry. I don't understand the
10 question.

11 Q. Well, we were just talking about modern
12 intrusions, and the ones that currently exist
13 are the typical wooden utility poles. And
14 I'm asking you if what this project is
15 proposing, if you think of it in the same
16 vein as a typical modern intrusion.

17 A. (Widell) It is a modern intrusion, a single
18 structure that is visible within a district
19 that already has a number of modern
20 intrusions. So the existing integrity of the
21 district is somewhat diminished already, and
22 I do not believe that the visibility of this
23 one structure would cause an adverse effect
24 to this district.

1 Q. No, I understand that's your opinion. But
2 isn't this project far greater in scope and
3 size than the presently existing typical
4 wooden utility poles that are in the
5 district?

6 A. (Widell) They are not to me because of the
7 significance of the district, which is its
8 architecture and the existing -- and I think
9 that that is why that statement about the
10 existing utility poles are included in the
11 nomination, because they are a distraction to
12 understanding and appreciation of the
13 architecture there.

14 Q. Thank you, Ms. Widell. That's all I have.

15 CHAIRMAN HONIGBERG: Ms. Pacik.

16 MS. PACIK: Thank you.

17 Can we get the Apple TV over
18 here?

19 WITNESS WIDELL: May I take a
20 bio break? Thank you.

21 CHAIRMAN HONIGBERG: Absolutely.
22 Let's take five minutes.

23 (Recess taken at 4:08 p.m., and the
24 hearing resumed at 4:12 p.m.)

1 CHAIRMAN HONIGBERG: Ms. Pacik,
2 you may proceed.

3 CROSS-EXAMINATION

4 BY MS. PACIK:

5 Q. I'm over here, Ms. Widell. Good afternoon.
6 My name's Danielle Pacik, and I am the
7 attorney for the City of Concord, and I am
8 also the spokesperson for Municipal Group 3
9 South.

10 I'd like to start by discussing your
11 opinion that there are no unreasonable
12 adverse impacts on historical resources
13 because of the new proposed transmission
14 line. And if we turn to your supplemental
15 testimony that you submitted in April, on
16 Page 10 we highlighted a section of your
17 testimony here. And it talks about the fact
18 that, in addition to the work that you
19 originally submitted with your application,
20 more work assessing historic resources has
21 been required, including a full inventory of
22 cultural landscapes according to a work plan.
23 And it started in fall of 2016 to identify
24 those cultural landscapes; is that correct?

1 A. (Widell) Yes.

2 Q. At the end of that paragraph we highlighted
3 another sentence which talks about that the
4 first of several cultural landscape study
5 area reports is nearly completed and will be
6 submitted to New Hampshire DHR very soon.
7 And New Hampshire DHR is the Division of
8 Historic Resources?

9 A. (Widell) Yes.

10 Q. And you state, "I expect the remaining ones
11 will be completed by the end of June 2017;"
12 correct?

13 A. (Widell) Yes.

14 Q. Okay. And we looked at the date earlier, but
15 this was submitted when you prepared this
16 supplemental testimony, which was April 17th,
17 2017; correct?

18 A. (Widell) Yes.

19 Q. So that was over four months ago.

20 A. (Widell) Hmm-hmm.

21 Q. In fact, in terms of your statement that one
22 of the cultural landscape study area reports
23 is nearly completed and will be submitted to
24 New Hampshire DHR very soon, that has not

1 been submitted to the New Hampshire Division
2 of Historical Resource, has it?

3 A. (Widell) No, that's not true. The shortfalls
4 cultural landscape has been submitted to New
5 Hampshire Division of Historic Resources.

6 Q. Are you aware that New Hampshire Division of
7 Historical Resources is not able to provide
8 that document to anybody at this point
9 because, first, the Department of Energy
10 actually needs to do a review of all of the
11 cultural landscape area resource forms?

12 A. (Widell) I'm not precisely aware of that.
13 But that is something that is done under a
14 Section 106 review, that the federal agency
15 would want to review the document.

16 Q. Okay. In fact, the Department of Energy is
17 currently waiting to receive all of the
18 cultural landscape resource forms from you;
19 is that right?

20 A. (Widell) They are not coming directly from
21 me. They are coming from the Public
22 Archeological Laboratory, which is part of
23 the Northern Pass team, which has completed
24 all of the cultural landscape studies.

1 Q. Okay. They may have completed them all, but
2 the Department of Energy has not yet received
3 them all, have they?

4 A. (Widell) I don't know that.

5 Q. Okay. So let's turn to an e-mail that I had
6 with the Department of Energy, actually just
7 yesterday, and it's been marked as Joint Muni
8 262. And we'll start at the bottom. And
9 it's an e-mail that was sent, as you can see,
10 from me to Caitlin Callaghan. Are you
11 familiar with Caitlin Callaghan?

12 A. (Widell) Yes.

13 Q. And she's part of the review process for the
14 Section 106; right?

15 A. (Widell) With the Department of Energy.

16 Q. Okay. Correct. So my e-mail -- I don't want
17 to read the whole thing, but I'll try to
18 summarize it -- is basically to confirm our
19 conversation this morning that the cultural
20 landscape study area reports for the proposed
21 Northern Pass Transmission Line Project are
22 still being prepared by the consultants for
23 Northern Pass and that all of the reports
24 have not yet been submitted to the Department

1 of Energy. This is also to confirm that the
2 cultural landscape study area reports will
3 not be available to the consulting parties
4 and/or the public until after the Department
5 of Energy completes its review and forwards
6 the documents to the New Hampshire Division
7 of Historical Resources. Do you see that?

8 A. (Widell) Yes.

9 Q. Okay. So at least from this you can see that
10 I had a conversation with her where I was
11 told that all of the cultural landscape area
12 reports had not yet been submitted to the
13 Department of Energy. You see that? And
14 we'll read in a bit to see whether she
15 confirms that understanding. But that was
16 the context of that e-mail; right?

17 A. (Widell) Yes, that's what it states.

18 Q. Okay. And then I state, "This is also to
19 confirm that because the reports have not yet
20 been submitted to the Department of Energy,
21 the Department of Energy is currently unable
22 to provide a time frame in which its review
23 will be completed." Do you see that?

24 A. (Widell) Yes.

1 Q. So your understanding is first they have to
2 complete their review, and then it can get
3 forwarded to the Division of Historical
4 Resources.

5 A. (Widell) I don't have an understanding
6 related to what the intention of the
7 Department of Energy is related to these
8 documents.

9 Q. Okay. So let's go up to see what Caitlin
10 said. So she responded at six last night.
11 We don't have to read the first sentence, but
12 basically there was a short delay in getting
13 back to me. And she states, "Your summary is
14 correct. One clarification: DOE will be
15 reviewing the cultural landscape reports
16 prepared by NPT's contractor for the
17 Section 106 process prior to making the
18 cultural landscape reports available to
19 consulting parties and submitting the reports
20 to New Hampshire Division of Historical
21 Resources." Do you see that?

22 A. (Widell) Yes.

23 Q. And then she says, "As discussed on the
24 cultural landscape call from November 1st,

1 2016, DOE will make the cultural landscape
2 reports available to consulting parties
3 concurrent with the DOE's submission of the
4 reports to New Hampshire DHR for New
5 Hampshire DHR's review." Do you see that?

6 A. (Widell) Yes.

7 Q. Okay. So, basically, New Hampshire DHR has
8 not yet been able to even review the cultural
9 landscape reports because the Department of
10 Energy has not even yet received them all; is
11 that right?

12 A. (Widell) That's what Caitlin Callaghan says.

13 Q. And you have no reason to disagree with that
14 statement, do you?

15 A. (Widell) No, I do not.

16 Q. Now, at this point, we can probably agree, if
17 you agree with that statement, that DHR and
18 the consulting parties have not yet seen all
19 of the cultural -- any of the cultural
20 landscape area forms; is that right?

21 A. (Widell) That's what it appears to be from
22 this e-mail.

23 Q. So in terms of the people in this room today
24 that have seen these forms, you have seen

1 them; right?

2 A. (Widell) Yes.

3 Q. Possibly the attorneys for Northern Pass have
4 seen them; is that right?

5 A. (Widell) Yes. Some, I guess, yes. I know at
6 least --

7 Q. But as far as you're aware, nobody else in
8 this room has had access to these cultural
9 landscape forms, have they?

10 A. (Widell) I don't know that.

11 Q. Well, according to the e-mail we just read,
12 we don't have access to them, do we?

13 A. (Widell) That's what Caitlin Callaghan has
14 stated.

15 Q. And those forms have not yet been submitted
16 to the Site Evaluation Committee, have they?

17 A. (Widell) I do not know that.

18 Q. Okay. So in terms of what conclusions the
19 Department of Energy or the Division of
20 Historical Resources will reach about impacts
21 to the cultural landscapes, we don't have
22 that information as we sit here today; right?

23 A. (Widell) You don't have the cultural
24 landscape reports.

1 Q. Right. And we don't know what DOE or the
2 Division of Historical Resources will find in
3 terms of what the effects are of this new
4 transmission line to cultural landscapes.

5 A. (Widell) No, we don't know what DHR or DOE
6 will find.

7 Q. And you are aware that the Site Evaluation
8 Committee also needs to make a determination
9 of whether the Project is going to have an
10 unreasonable adverse impact on historic and
11 cultural resources. You understand that;
12 right?

13 A. (Widell) Yes.

14 Q. And you also understand that the Applicants
15 have the burden of proof in this case?

16 A. (Widell) Yes.

17 Q. So at this point, the Site Evaluation
18 Committee has not yet seen the cultural
19 landscape area forms; right?

20 A. (Widell) Reports, yes. They're not --

21 Q. Reports.

22 A. (Widell) Yeah.

23 Q. And as we sit here today, in terms of the
24 parties to the case, we can't even ask you

1 questions about those reports because we
2 don't have them, do we?

3 A. (Widell) No. That's what you are stating
4 from Caitlin Callaghan's e-mail.

5 Q. So you agreed with Attorney Roth that the
6 Section 106 process is not intended to
7 determine whether there is going to be an
8 unreasonable adverse impact to historic and
9 cultural resources?

10 A. (Widell) Yes, that's correct. Although it is
11 one of the criteria, the findings of the
12 Section 106 process is taken into
13 consideration in the SEC deliberations.

14 Q. I don't think I understood what you just
15 said, so let me ask the question again, and
16 maybe we can go from there.

17 But in the Section 106 process, and I
18 think there was a letter from the DHR that
19 was actually read to you earlier today,
20 they're not going to be making a finding of
21 an unreasonable adverse impact; right?

22 A. (Widell) Yes. DHR does not do that as part
23 of the Section 106 process. But in Site
24 301.14(b) of the SEC application criteria for

1 determining an unreasonable adverse effect,
2 you will see that under 4, the findings and
3 determinations by the New Hampshire Division
4 of Historic Resources, of the Department of
5 Cultural Resources and, if applicable, the
6 lead fellow agency of the proposed facilities
7 on historic sites, as determined under
8 Section 106 of the National Historic
9 Preservation Act, is one of the criteria in
10 the rules.

11 Q. Okay. And I understand. It's actually the
12 Site Evaluation Committee that needs to make
13 the determination of unreasonable adverse
14 impacts. And I think we've gone over that a
15 few times already; right? And they use as
16 information the Section 106 process; right?

17 A. (Widell) That's one of the criteria, yes.

18 Q. Okay. The Section 106, they don't look at
19 that word "unreasonable." They look at
20 "adverse effects"; right?

21 A. (Widell) Yes, that's correct.

22 Q. And they look at adverse effects to specific
23 properties; right?

24 A. (Widell) Yes, or collections of properties,

1 areas.

2 Q. Okay. And in terms of whether there is an
3 adverse effect, then if there is an impact,
4 it's going to be addressed in a Programmatic
5 Agreement; is that right?

6 A. (Widell) Yes, normally. Or it could be
7 another agreement document, a memorandum of
8 agreement, yes.

9 Q. So in terms of the Programmatic Agreements,
10 and I know you've talked about them already
11 during your testimony, but a Programmatic
12 Agreement is going to first attempt to have a
13 contractor avoid or minimize an impact;
14 right?

15 A. (Widell) Yes. Well, that's part of the
16 assessment. It isn't necessarily only in a
17 Programmatic Agreement. But yes.

18 Q. But let's talk about the Programmatic
19 Agreement. Say hypothetically there's a
20 determination that there is going to be an
21 adverse effect to a historic resource. Then
22 you're going to have a Programmatic
23 Agreement. And in the Programmatic Agreement
24 they're going to want, first, at least to be

1 some sort of avoidance or minimization to
2 that historic resource; right?

3 A. (Widell) Yes.

4 Q. And as you sit here today, in terms of the
5 cultural landscape reports, we don't know
6 whether or not any of them have a finding or
7 proposed finding of an adverse effect; right?

8 A. (Widell) Actually, the historic properties
9 that are within the cultural landscape that
10 have been identified that are within the Area
11 of Potential Effect and within the Zone of
12 Visual Influence we have assessed and did
13 assess by October of 2015 those historic
14 resources.

15 Q. But I can't ask you anything about the
16 cultural landscape reports because I don't
17 know what they are or what they have in them,
18 or the findings; right?

19 A. (Widell) Right. But you can ask me about any
20 of the assessment forms that were completed
21 within the Area of Potential Effect that may
22 have historic properties that could be
23 affected by the Project.

24 Q. Okay. There's a difference, though, between

1 the regional cultural landscape analysis
2 versus specific properties that you reviewed;
3 right?

4 A. (Widell) Well, I'm not sure I agree with that
5 completely. Significance would be drawn from
6 the historic properties that would be part of
7 that cultural landscape, and they wouldn't
8 change, in that the Area of Potential Effect
9 and the zones of visual influence have not
10 changed for this project.

11 Q. So nobody needs those cultural landscape
12 reports?

13 A. (Widell) They are important for the
14 identification, broadly, of the historic
15 properties that are in and around the Area of
16 Potential Effect. But we have known the
17 historic properties within the Area of
18 Potential Effect and within the Zone of
19 Visual Influence likely to be affected by the
20 Project since the time we submitted the SEC
21 Application.

22 Q. So as you sit here today, it's your opinion
23 that nobody needs to look at the cultural
24 landscape reports because no information is

1 going to be provided in them, anyways; is
2 that right?

3 A. (Widell) No, I absolutely did not say that.

4 Q. Okay. I just wanted you to --

5 A. (Widell) The cultural landscape reports
6 provide a great deal of information about the
7 historic properties in and around, but they
8 are important for that identification phase,
9 which is at or near completion according to
10 the Division of Historic Resources.

11 Q. Okay. So now let's talk for a moment about
12 avoidance and minimization. For example, I
13 know at least in Concord there's one
14 property, the Maple View Farm, where you
15 found that, as proposed with the current
16 poles in the locations of the proposed new
17 line, there will be an adverse effect to the
18 Maple View Farm; is that right?

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

20 Q. As you sit here today, you don't have any
21 recommendation for any further avoidance or
22 minimization to lessen the adverse effect of
23 that particular site, do you?

24 A. (Widell) We looked at Maple View Farm for

1 avoidance and minimization. I'm not seeing
2 any way that we were able to do more
3 avoidance and minimization. The Project is
4 going within an existing corridor there. I
5 believe we are doing monopoles in that
6 location, which are making the Project less
7 than use of lattice structures. But they are
8 very visible to Maple View Farm. They are a
9 focal point, and they will adversely affect
10 that connected farmstead.

11 Q. And we'll go through effects table in a
12 moment. But in terms of, for example, Maple
13 View Farm or other properties where there are
14 no further ways to avoid or minimize the
15 impacts, then, under a Programmatic
16 Agreement, the idea is the next step that
17 you're going to do is try to mitigate; is
18 that right?

19 A. Yes, unmitigatable adverse effects are
20 usually mitigated in some other way, yes.

21 Q. And I just want to talk to you because you've
22 suggested that the Site Evaluation Committee
23 should rely on these Programmatic Agreements
24 and how they address impacts. But in terms

1 of mitigation, mitigation can range from
2 paying money to preserve another resource to
3 taking photographs of the historic resource
4 to at least document what it looked like at
5 one time; is that right?

6 A. (Widell) Yes.

7 Q. Okay. So, by "mitigation," you're not
8 actually doing anything to lessen the impacts
9 to that particular property. You're instead
10 trying to find a way to deal with the fact
11 that there is going to be an impact.

12 A. (Widell) Yes. The assumption is that you've
13 done work to try and avoid and minimize, and
14 there are still adverse effects to the
15 historic resource, and therefore they need to
16 be mitigated.

17 Q. Okay. So, for example, if the idea for Maple
18 View Farm is they're going to take
19 photographs of what it looks like now, in
20 order to find out if somebody wants to know
21 what the property looked like before the
22 adverse effects occurred, they need to look
23 at the photographs; is that how it works?

24 A. (Widell) That is your example --

1 Q. Okay.

2 A. (Widell) -- of a mitigation. But there are
3 many, many different ways to do mitigation.

4 Q. But in terms of mitigation, we agree that the
5 mitigation isn't going to address the adverse
6 effect to that specific historic resource;
7 right?

8 A. (Widell) It depends. It can address directly
9 the adverse effects to an individual property
10 or all of them together.

11 Q. But it's not going to lessen the adverse
12 effect to that property in terms of how -- in
13 terms of avoidance or minimization.

14 A. (Widell) You always attempt to do avoidance
15 and mitigation first, and then if you are not
16 able to do that, then you move to mitigation
17 of the adverse effect.

18 Q. Okay. Now, we talked about Maple View Farm.
19 And I actually want to look at it for a
20 moment. It's been marked and shown
21 previously to you. And it's marked as
22 Counsel for the Public Exhibit 436. I think
23 I highlighted some sections of it, so bear
24 with me as we scroll down for a moment.

1 That's a picture of Maple View Farm on Shaker
2 Road; is that correct?

3 A. (Widell) Yes.

4 MS. PACIK: Okay. So let's
5 scroll down for a moment. All right.
6 Apparently the one I sent was not highlighted.
7 So hold on for a second and we can work through
8 this.

9 If you go to Page 2 at the
10 bottom, the first, the lowest box, please.

11 BY MS. PACIK:

12 Q. The recommended finding is that there will be
13 an adverse effect to this property; is that
14 right?

15 A. (Widell) Yes.

16 Q. All right. If you can just bear with me,
17 I'll find my highlighted one and it will make
18 things go a lot faster.

19 (Pause in proceedings)

20 Q. In terms of the findings that you had made
21 for this particular property, if you go up a
22 few boxes above, it talks about the fact that
23 new transmission structures within the
24 property --

1 MS. PACIK: Can you scroll down?

2 Q. -- or adjacent to the property will be
3 directly in view from historic buildings,
4 barnyard and fields which are
5 character-defining features of the cultural
6 significance. They will also be visible in
7 views of the buildings and associated land
8 from Shaker Road, and the Project will
9 introduce elements that will be more visible
10 and thus diminish the integrity of setting,
11 feeling and association. And that's why you
12 found there would be an adverse effect; is
13 that right?

14 A. (Widell) Yes. If I could correct you. It
15 actually is talking about the
16 character-defining features of the
17 agricultural significance.

18 Q. Okay. Thank you for fixing that.

19 Now, the fact that this property is in
20 an existing transmission corridor was
21 insufficient to avoid an adverse effect to
22 the historic resource; is that right?

23 A. (Widell) Yes, because the size and type of
24 structures are going to be changed. The

1 existing corridor has been there since 1928,
2 so it has been part of this setting for a
3 long time. But these changes will cause an
4 adverse effect to this historic property.

5 Q. Okay. And so one way to avoid or mitigate
6 would be to be working with abutting property
7 owners to relocate the poles to a different
8 location; is that right?

9 A. (Widell) I don't know that. I think the
10 owner of the existing corridor would want to
11 use their existing property. But I guess
12 that is something that could be different.

13 Q. Well, it would be a reasonable proposal,
14 wouldn't it, if there was land abutting the
15 corridor that people were willing to sell or
16 let -- or to expand the corridor to reduce
17 the heights? That would be a reasonable way
18 to avoid or minimize; right?

19 A. (Widell) I can't speak to that directly
20 because I'm not an engineer that deals with
21 the placement of transmission lines for
22 safety and effectiveness. So I can't speak
23 to that. It is something that you're
24 suggesting.

1 Q. So let's just assume hypothetically that it
2 was feasible from an engineering standpoint
3 to relocate the lines a little bit away from
4 this historic resource that's eligible for
5 the National Register of Historic Places in
6 order to avoid or minimize the impacts to
7 this property. You would agree that it would
8 be reasonable to pursue that option, wouldn't
9 you?

10 A. (Widell) Is that a hypothetical?

11 Q. Yes.

12 A. (Widell) Yes. Absolutely, yeah.

13 MS. PACIK: Let's show Exhibit
14 263. And this has been marked as Joint Muni
15 263, for the record.

16 BY MS. PACIK:

17 Q. I'm showing you from the GIS an overhead of
18 the corridor. And where it says Shaker Road,
19 you can see the Maple View Farm; is that
20 right?

21 A. (Widell) Yes.

22 Q. And you can see that there's vacant land
23 surrounding the existing corridor. Do you
24 see that?

1 A. (Widell) Yes. Yes, on either side of the
2 corridor there are no structures that I can
3 see other than Maple View Farm.

4 Q. And hopefully you can see this. I apologize
5 for the size of it. But the property -- each
6 yellow boundary identifies on the GIS the
7 property boundaries. And the one with one
8 circle in it, do you see that that's the
9 boundary with the Maple View Farm property?

10 A. (Widell) Yes.

11 Q. And did you ever suggest to Northern Pass
12 that they should speak to the property owner
13 to see if the corridor could be expanded in
14 any way to avoid or minimize the impacts to
15 this area?

16 A. (Widell) No.

17 Q. And what about the property across the street
18 with two dots? Are you aware of who owns
19 that?

20 A. (Widell) No.

21 Q. Did you know that the City of Concord owns it
22 because it received the property through a
23 tax deed?

24 A. (Widell) No, I wouldn't know that.

1 Q. Okay. And did you ever suggest that perhaps
2 the Northern Pass Transmission Project
3 contact the property owner there with all
4 that vacant land to see if it would be
5 possible to minimize or avoid the impacts by
6 relocating the line?

7 A. (Widell) No.

8 Q. Okay. And I assume for that next one
9 underneath it with the three dots, and I'll
10 represent to you that's owned by the Wilbur
11 Trust, same question: You also didn't make
12 any recommendation for that property?

13 A. (Widell) No, not for mitigation, no.

14 Q. Okay. Now, in your testimony you state --
15 and let's go to your testimony for a moment.
16 This is your testimony from October 16th,
17 2015. And on Page 8, starting at Line 21...
18 for some reason my highlighting got lost. I
19 apologize. But I'll read it to you, which is
20 on Line 21. It says, "Locating 99.5 miles of
21 the line in existing transmission
22 rights-of-way is a very effective way of
23 avoiding impact altogether or minimizing
24 effects on historic resources."

1 Now, in Concord, all of the line goes
2 through an existing corridor; is that right?

3 A. (Widell) Yes.

4 Q. Okay. And the corridor already contains a
5 transmission line.

6 A. (Widell) Yes.

7 Q. The proposed project will be increasing the
8 height of one of those transmission lines
9 that's in there?

10 A. (Widell) Yes.

11 Q. And it will be adding a new line; is that
12 right?

13 A. (Widell) Yes.

14 Q. Okay. So at least we know for sure with the
15 property at Maple View Farm, the fact that
16 the line was placed in an existing corridor
17 was not a very effective way of avoiding
18 impact altogether. You would agree with
19 that; right?

20 A. (Widell) It caused an adverse effect by, in
21 this case, by going in the existing corridor.
22 But given that, the existing corridor, I
23 believe in this case, has been there since
24 1928. And other places it definitely does.

1 Q. Okay. So let's talk about the existing
2 corridor. Have you ever heard of the concept
3 of "cumulative impacts"?

4 A. (Widell) Yes.

5 Q. And the Department of Energy actually
6 addresses this concept of cumulative impacts
7 in its report. It's an environmental
8 assessment; is that right?

9 A. (Widell) Yes.

10 Q. So if we turn to what's been marked as Joint
11 Muni 261, it talks about cumulative impacts.
12 And we'll go to Chapter 5. These are just
13 excerpts. It's a few pages of the entire
14 EIS, which is several hundred pages long.
15 But if we scroll down, hopefully it's
16 highlighted. We'll find -- ah, yes, it is.
17 Excellent.

18 So, under Section 5.1.1.3,
19 Alternative 2, which I'll represent to you is
20 applicable to this project, they talk about
21 the fact that cumulative visual impacts
22 result from the combined, incremental effects
23 of human activity on the landscape. And when
24 they talk about "human activity," that could

1 be pre-existing poles that already exist; is
2 that right?

3 A. (Widell) Could you ask that question again?
4 I was looking at the writing, so forgive me.

5 Q. Sure. I'll try.

6 When they say -- so the sentence says,
7 "Cumulative visual impacts can [sic] result
8 from the combined, incremental effects of
9 human activity on the landscape." And those
10 words, "human activity," my question was:
11 That could be, for example, pre-existing
12 lines; is that right?

13 A. (Widell) In some cases, yes.

14 Q. Okay. And so then they talk in the next
15 paragraph that I highlighted, it talks about,
16 "The overall contrast of proposed new energy
17 generation facilities and related
18 infrastructure in a natural-appearing
19 landscape creates the conditions for
20 potentially widespread scenic degradations."
21 And then it talks about three types of
22 cumulative impacts. And the one I want to
23 talk to you about is the first one we
24 highlighted, which is "combined." And

1 combined is where a viewer could see multiple
2 projects from a stationary point, each
3 separated by a minimum distance. In this
4 case, what we're dealing with by adding a new
5 line into an existing corridor, we're dealing
6 with combined impacts, aren't we?

7 A. (Widell) No, not necessarily.

8 Q. Well, if there's already a line and you're
9 adding another one, then it's a combined
10 impact. Wouldn't you agree with that?

11 A. (Widell) In assessing whether there was an
12 adverse effect to an historic property, we
13 would look at it together.

14 Q. Right. And so the fact that there's one line
15 and then you're adding additional lines, have
16 you ever heard of the phrase "visual
17 clutter"?

18 A. (Widell) Yes, I've heard that concept.

19 Q. And it's basically multiple pieces of
20 infrastructure, for example, in a single
21 corridor could be visual clutter; right?

22 A. (Widell) Yes.

23 Q. Okay. So, adding a new line to an existing
24 transmission corridor can actually make it

1 worse. You would agree with that; right?

2 A. (Widell) Yes.

3 Q. Now, we've talked about Maple View in terms
4 of a historic resource in Concord.

5 And I want to talk for a moment about
6 other effects tables. And other effects
7 tables have been provided for sites in
8 Concord; is that right?

9 A. (Widell) Yes.

10 Q. And to date, you have not determined that any
11 of those other tables will have an adverse
12 effect; right?

13 A. (Widell) Yes.

14 Q. Okay. So the only one that you found an
15 adverse effect for is Maple View Farm?

16 A. (Widell) In Concord, yes.

17 Q. And I want to talk about the Oak Hill
18 Agricultural District. And that was recently
19 submitted as an addition to the Applicant's
20 Exhibit 196, which is where I want to go.
21 And the Oak Hill Agricultural District, I
22 assume you're pretty familiar with this
23 particular area?

24 A. (Widell) Yes, I am familiar.

1 Q. And it was only recently determined eligible
2 for the National Historic Register; right? I
3 think it was within the last couple weeks
4 there was a decision.

5 A. (Widell) Determined eligible, yes.

6 Q. And this effects table that we're looking at
7 was submitted on August 18th, 2017, which was
8 two weeks ago. Are you aware of that?

9 A. (Widell) Yes.

10 Q. Okay. On Page 3 of this table, it talks
11 about generally the area. And it's on Oak
12 Hill Road; is that correct?

13 A. (Widell) Yes.

14 Q. And it's a 660-acre area?

15 A. (Widell) Yes.

16 Q. And there's seven farm houses and an old
17 school house on one side of the road; is that
18 right?

19 A. (Widell) Yes. I have eight historic farm
20 complexes.

21 Q. Eight total. There's seven on one side and
22 one on the other side of the road; is that
23 right?

24 A. (Widell) Yes.

1 Q. Okay. And in terms of this project, if you
2 go down to Page 4, it talks about where the
3 proposed line is going to be. And the
4 proposed line actually goes around along
5 Turtle Pond; is that correct?

6 A. (Widell) Yes.

7 Q. And because of the topography of the area and
8 the hills, you'll be able to see the lines at
9 Turtle Pond from certain areas in the Oak
10 Hill Agricultural District; correct?

11 A. (Widell) Some limited views, yes.

12 Q. Okay. And you talk about the reason why you
13 determined that there will be no adverse
14 effect, and I want to go through that just
15 briefly.

16 First, under Paragraph 4, I have it
17 highlighted at the top of what you can see on
18 the screen. It talks about what the proposed
19 line will be. And it talks about the fact
20 that there's an existing line currently along
21 Turtle Pond that is on wood monopoles 61 feet
22 to 92-1/2 feet in height; is that right?

23 A. (Widell) Yes.

24 Q. How many of those poles are 92.5 feet?

1 A. (Widell) I cannot tell you precisely. It is
2 not in the effects table, but that was looked
3 at in the materials that were provided for
4 that.

5 Q. Do you know if multiple poles are 92 feet?

6 A. (Widell) I can't tell you that precisely.

7 Q. Are you aware that, on average, we've been
8 told that for the V182, which is that
9 existing 115 line in Concord, the average
10 height is 75 feet? Are you aware of that?

11 A. (Widell) No, I'm not aware of what they told
12 the City of Concord.

13 Q. Okay. Now, it talks about the other existing
14 115 line which is on an H-frame structure.
15 And that's also wood; is that right?

16 A. (Widell) Yes. H-frame structures are usually
17 wood, yes.

18 Q. And those are currently 43 to 56.5 feet in
19 height, and they will be almost doubled to 79
20 to 101.5 feet in height; right?

21 A. (Widell) Yes.

22 Q. And then there's a new line which is going to
23 be in the middle on a weathering steel
24 H-frame, and that's going to be 80 to

1 110 feet in height; right?

2 A. (Widell) I'm looking for that statement
3 within the --

4 Q. It's actually highlighted if you want to read
5 it on the screen.

6 A. (Widell) Yeah, thank you.

7 Q. Do you see that?

8 A. (Widell) Yes. Thank you.

9 Q. Okay. So my question is -- later on you talk
10 about why you don't think that there's going
11 to be a lot of impact to the Oak Hill
12 Agricultural District. And if we scroll
13 down, I believe at the bottom it says that
14 the proposed new structures for both the 115
15 line and the new 345 line will be 13.5 feet
16 or less higher than the structures on the
17 existing 115 line that will remain in place
18 along the easterly side of the right-of-way.

19 Now, the poles are getting a lot taller
20 than just 13.5 feet, aren't they?

21 A. (Widell) I think you will see that that is
22 described on Page 4 in another portion in
23 this particular statement. They're talking
24 specifically about 115 kV and the 345 kV.

1 Q. Right. And you would agree with me that the
2 poles are going to get higher --

3 A. (Widell) Yes. They are getting higher, yes.

4 Q. Okay. So that other statement, what are you
5 referencing? The one that we just read.

6 (Witness reviews document.)

7 A. (Widell) Yes. I must have -- yes.

8 Q. Okay. But this is in your Paragraph 6 under
9 Adverse Effect of Valuation. You talk about
10 the fact that the existing structures -- and
11 this is the first highlighted area -- "are
12 already visible in the distance in various
13 locations within the district, particularly
14 open fields on both sides of the road, but
15 not from historic buildings." And then it
16 goes on to say at the bottom that the
17 existing structures and/or conductors would
18 also be from portions of open fields --
19 sorry. I don't know if this is correct the
20 way I'm reading it. I think there's some
21 words missing in there. Are there? I think
22 we're missing the word "visible" I hear in
23 the background.

24 So it sounds like the existing

1 structures and/or conductors would also be
2 visible from portions of open fields,
3 particularly adjacent to the pond and views
4 of the southwest in the direction of the
5 existing right-of-way. So that's talking
6 about the existing visibility of the line.

7 A. (Widell) Yes.

8 Q. And then, when you talk about the fact that
9 there's not going to be any adverse effect in
10 the next paragraph, you state, or somebody
11 states that the Project will not introduce
12 visual elements that diminish the integrity
13 of the setting and landscape, basically
14 because the proposed new structures will be
15 13.5 feet or less higher than the structures
16 of the existing 115 line. That's what it
17 says; right?

18 A. (Widell) No. It says that the Project will
19 not be seen in views of the historic built
20 resources from Oak Hill except in one
21 instance.

22 Q. Where does it say that?

23 A. (Widell) The third paragraph on Page 5.

24 Q. That's the views of historic built resources.

1 But there will be views in other areas;
2 right?

3 A. (Widell) Yes. But the effects tables are
4 being prepared to determine the adverse
5 effects to historic resources and their
6 settings.

7 Q. I believe if you go to Page 6... maybe not.

8 MS. PACIK: Scroll down for a
9 second. All right. Scroll back up, please.
10 Up higher, on Page 5. Hold on a second,
11 please.

12 (Pause in proceedings)

13 BY MS. PACIK:

14 Q. Sorry. Okay. My apologies. There are going
15 to be views in areas other than that one
16 historic resource, aren't there?

17 A. (Widell) Yes, various views of the Project,
18 in the second paragraph up from the bottom of
19 Page 5, located a half-mile to nearly a mile
20 or more way. At these distance, the
21 structures in some instances, only the upper
22 half or third and conductors will be seen
23 against a backdrop of trees along the
24 westerly corridor. They will not stand out

1 significantly from the background. These
2 views are peripheral views to the southwest,
3 not in the primary views of the historic
4 district to the south. In most, if not all,
5 of these instances, the peripheral views now
6 include the existing transmission line --

7 Q. I don't think anyone knows where you're
8 reading from, Ms. Widell.

9 A. (Widell) I stated that it is in the second
10 paragraph above the bottom of Page 5.

11 Q. Okay.

12 A. (Widell) It begins with, "The various views
13 of the Project from the Oak Hill Agricultural
14 District..."

15 Q. Thank you?

16 CHAIRMAN HONIGBERG: And I'll
17 just note, Ms. Widell, when you're going to
18 read, please read slower than that so the
19 stenographer --

20 WITNESS WIDELL: Of course. I'm
21 so sorry.

22 MS. PACIK: Okay. If you'd
23 actually scroll up for a moment.

24 BY MS. PACIK:

1 Q. It does talk about the fact that the greatest
2 number -- and this is in the second paragraph
3 that we see. "The greatest number of
4 potential views will be present from areas of
5 the fields in the district on the southerly
6 side of the road that extend down to the
7 shore of Turtle Pond"; right?

8 A. (Widell) In the areas 171 Oak Hill Road. And
9 there's a photo to show that.

10 Q. All right. So there are going to be views
11 from various areas within that district of
12 the new, increased poles; correct? I think
13 we can agree to that?

14 A. (Widell) Yes, limited.

15 Q. Okay. And if you go to the top, the first
16 page of this effects table... I'm having a
17 hard time with this particular form.

18 But at some point you do state that one
19 of the reasons why you think that there's no
20 adverse effect is because, if you look at the
21 property as a whole and the size of the
22 district, the few locations that will be
23 impacted in terms of the entire scale of the
24 property are minimal; is that right?

1 A. (Widell) Yes.

2 Q. So it kind of washes it down, because even
3 though there are areas that will be impacted,
4 you decided to look at the entire district as
5 a whole; is that correct?

6 A. (Widell) That is the way that you would
7 review a historic district is always to
8 evaluate it based on a whole.

9 Q. So the bigger the district --

10 A. (Widell) And I would have to disagree with
11 you. It doesn't wash it down. It is the way
12 we would evaluate a historic property with
13 multiple properties within it.

14 Q. So you would agree that, even if there's
15 certain areas that there may be a pretty
16 strong effect, the bigger the district, the
17 less likely there's going to be an adverse
18 effect on the district as a whole; is that
19 right?

20 A. (Widell) Not necessarily. If it's in a view
21 that has an adverse effect, that would be
22 taken into consideration. But that was not
23 the case for the Oak Hill Historic District.

24 Q. Well, I think we just agreed that there are

1 views in areas where there will be
2 visibility; correct?

3 A. (Widell) A view does not mean that there's an
4 adverse effect to a historic resource. The
5 significance of the property, as expressed in
6 its character-defining features, usually in
7 the setting of maybe a barn or barnyards or
8 the historic property or whatever, has to be
9 diminished by that visual effect in order for
10 there to be an adverse effect.

11 Q. Ms. Widell, have you seen the Department of
12 Energy's KOP on the Turtle Pond project area?

13 A. (Widell) No.

14 Q. And are you aware that, according to the
15 Department of Energy, this project will
16 create a strong impact on this area in terms
17 of visual impacts?

18 A. (Widell) No, I have not seen that.

19 Q. Let's look at that for a moment.

20 CHAIRMAN HONIGBERG: Off the
21 record.

22 (Discussion off the record.)

23 BY MS. PACIK:

24 Q. So, looking at the Department of Energy's

1 Environmental Impact Statement, it talks
2 about KOPC04, which is the area at Turtle
3 Pond. Do you see that? And it's
4 highlighted.

5 A. (Widell) Yes, in reference to a boat access
6 facility.

7 Q. Okay. And this is the area that is going to
8 now be visible from other portions of the Oak
9 Hill Agricultural District.

10 And according to this, it says
11 Alternative 2 -- well, let's start with the
12 beginning. The second sentence says, "It
13 shows a view across the water with the
14 existing PSNH transmission line in the
15 foreground located in front to the forested
16 shore. The existing contrast dominance
17 rating is moderate."

18 And then under Alternative 2, it would
19 include the installation of monopole and
20 H-frame structures at this location. And
21 under Alternative 2, the contrast dominance
22 rating would be strong, which indicates that
23 the visual change would be large and would
24 likely be considered adverse by a casual

1 observer, and depending on the sensitivity of
2 the setting, it may be considered
3 unreasonable. Do you see that?

4 A. (Widell) Yes, I see that. I believe that
5 they are applying different criteria. And I
6 do not believe that the boat access facility
7 is within the boundaries of the Oak Hill
8 Historic District. So I do not know
9 precisely what area they are talking about.
10 It is in Concord and it is near Turtle Town
11 Pond. But I do not believe, from what I can
12 read, that this is an evaluation of the Oak
13 Hill Historic District. And it certainly
14 does not refer to the criteria that would be
15 used to determine an adverse effect within an
16 historic property.

17 Q. But you would agree that this is the area
18 that is going to be visible from other areas
19 of the Oak Hill Agricultural District.

20 A. (Widell) I can't confirm that.

21 Q. You don't know what portions of the proposed
22 corridor are going to be visible from the Oak
23 Hill Agricultural District?

24 A. (Widell) Yes, and that was clearly described

1 in the effects table that we just reviewed.
2 But I do not know where the boat access
3 facilities is or this portion that is being
4 assessed under different criteria.

5 Q. Okay. Looking at this map, which is part of
6 your effects table, Ms. Widell, you see
7 Turtle Pond there?

8 A. (Widell) Yes.

9 Q. That dark purple line, that's the proposed
10 corridor; is that correct?

11 A. (Widell) Yes.

12 Q. Okay. And so where you have all those spots,
13 that one, two, three, four, five, that's
14 where there's going to be visibility; is that
15 right?

16 A. (Widell) No. That's where the photographs
17 were taken that are in the effects table.

18 Q. Oh, okay. But you can see, at least from
19 this district, what you're going to be
20 looking at is the area by Turtle Pond; is
21 that right?

22 A. (Widell) A portion of it is by Turtle Pond,
23 yes.

24 Q. Okay. Now, you do not know if the Division

1 of Historic Resources is going to agree with
2 your opinion that there's no adverse effect
3 on the Oak Hill Agricultural District, do
4 you?

5 A. (Widell) We do not at this point. We have
6 submitted the effects tables. But they are
7 based on 36 CFR 800.

8 Q. And you said, in terms of the effects tables,
9 and I just want to clarify this, too, not all
10 of the effects tables have yet been submitted
11 to the Division of Historic Resources, have
12 they?

13 A. (Widell) They have not.

14 Q. So as we sit here today, there's additional
15 effects tables that the parties do not have
16 access to because they have not yet been
17 submitted to the Division of Historic
18 Resources; correct?

19 A. (Widell) That is true. But 56 effects tables
20 have been submitted to DHR.

21 Q. Right. And there's more that have not been
22 submitted.

23 A. (Widell) There are.

24 Q. There are. And they're not -- and we can't

1 ask you about those today because we haven't
2 seen them; right?

3 A. Yes.

4 Q. Okay. I have nothing further. Thank you.

5 CHAIRMAN HONIGBERG: All right.
6 So what we're going to do is break for a few
7 minutes to allow people who aren't allowed to
8 be here to leave, and we'll do whatever else we
9 might want to do in those five minutes. And
10 then we'll reconvene to allow Ms. Pacik to do
11 the confidential questions, and then we will be
12 done for the day.

13 (Pages 180 through 190 of the
14 transcript are contained under
15 separate cover designated as
16 "Confidential and Proprietary.")

17

18

19

20 HEARING CONCLUDED AT 5:27 P.M. AT THE

21 END OF THE CONFIDENTIAL PORTION.)

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C E R T I F I C A T E

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

I further certify that I am neither
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employed by any of the parties to the
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counsel employed in this case, nor am I
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Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

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