

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

September 26, 2017 - 2:11 p.m. DAY 40
49 Donovan Street **Afternoon Session ONLY**
Concord, New Hampshire

{Electronically filed with SEC on 10-12-17}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

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

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

I N D E X

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E X H I B I T S

EXHIBIT ID	D E S C R I P T I O N	PAGE NO.
CFP 489	NHDOT Standard Specs 2016-SEC	60

P R O C E E D I N G S**(Hearing resumed at 2:11 p.m.)**

PRESIDING OFFICER HONIGBERG: Good afternoon, everyone. We're going to welcome back Dr. Bunker and Ms. Widell, who are still under oath, to continue their testimony. I understand, Mr. Walker, that you have a brief direct to conduct of one or both of them?

MR. WALKER: Just very briefly, yes.

PRESIDING OFFICER HONIGBERG: Go ahead.

DIRECT EXAMINATION**BY MR. WALKER:**

Q Good afternoon, Ms. Widell. Did you have a change to make to your Supplemental Prefiled Testimony?

A (Widell) Yes. I do. On page 13, line 23.

PRESIDING OFFICER HONIGBERG: What exhibit number?

MR. WALKER: It's Exhibit 95.

A (Widell) A change from 6 to 7 historic resources. And on line 26, further evaluation of three instead of four properties.

Q Any further changes to your Supplemental Testimony?

1 A (Widell) No. There are not.

2 Q Do you have any other changes you wish to make
3 to the Effects Tables that were submitted?

4 A (Widell) Yes. One is related to the Upper
5 Ammonoosuc Cultural Landscape.

6 Q Let me interrupt you there just briefly. For
7 the record, that's 196 B, and you're referring
8 to the Upper Ammonoosuc which is tab 52 in that
9 exhibit.

10 A (Widell) And it is the Effects Table. The tax
11 map parcel mentioned in the revised table
12 correctly identifies it as number 4, 11, 15.
13 The Effects Table is in error showing it as 4,
14 11, 45.

15 Q Do you have any other changes to the Effects
16 Tables that were submitted?

17 A (Widell) Yes. In the page 23 of the Mount
18 Prospect-Martin Meadows Pond Cultural Landscape
19 Effects Table should be labeled as existing
20 conditions, not proposed conditions.

21 Q And just for the record, Mr. Chairman, that's
22 the same Exhibit 196 B. It is tab 47, page 23
23 of that tab. Thank you.

24 Ms. Widell, with that change to your

1 Supplemental Testimony, do you swear by and
2 affirm that testimony?

3 A (Widell) Yes, I do.

4 Q Thank you.

5 PRESIDING OFFICER HONIGBERG: Thank you,
6 Mr. Walker. I understand Counsel for the
7 Public, Mr. Aslin, you are grabbing the
8 microphone today. Mr. Aslin, you may proceed.

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

10 **CROSS-EXAMINATION**

11 **BY MR. ASLIN:**

12 Q Good afternoon, Ms. Widell and Ms. Bunker.
13 Welcome back.

14 A (Widell) Thank you. Good afternoon.

15 Q I'm sure you're very excited to be back here
16 again. Dr. Bunker, apologies in advance. Most
17 of my questions, if not all, will be directed to
18 Mr. Widell, but we're very happy that you're
19 here. I hope you enjoy the questioning.

20 Ms. Widell, I'd like start by taking a look
21 at the Programmatic Agreement which is
22 Applicant's Exhibit 204. I believe it should be
23 coming up on the screen in a minute.

24 A (Widell) I also have a copy in front of me.

1 Q Very good. And is that up on everyone's screen
2 now?

3 A (Widell) Yes. Thank you.

4 Q And so this document, to try and move this
5 along, I'm going to make some representations
6 about what I think this document is and ask you
7 about if you agree and then, hopefully, we can
8 move along quickly through this beginning
9 section.

10 So this document is part of the 106,
11 Section 106 process, is that correct?

12 A (Widell) Yes, for this specific undertaking.

13 Q Right. The Northern Pass Transmission Project.
14 And this is a document that's been executed by
15 sort of the primary federal and state agencies
16 involved in the 106 process as well as the
17 Applicant; is that correct?

18 A (Widell) Yes.

19 Q It's not directly related to the SEC process,
20 correct?

21 A (Widell) Yes.

22 Q In other words, it doesn't govern the SEC's
23 review or anything that the SEC has to do?

24 A (Widell) No, it does not.

1 Q And you would agree that this, the Section 106
2 process is an independent process sort of in
3 parallel with the SEC process, and it can
4 continue beyond the decision point of the SEC?

5 A (Widell) Yes.

6 Q Thank you. So would it be fair to say that the
7 information that is developed through the
8 Section 106 process, including the information
9 that's addressed in the Programmatic Agreement,
10 is information that is informative to the SEC
11 and that they may rely on as evidence in their
12 decision making process within the SEC
13 proceeding?

14 A (Widell) Yes.

15 Q Okay. I want to take a first look at page 9 of
16 the Programmatic Agreement which is now on the
17 screen. And in paragraph 36, the "whereas"
18 clause, it speaks to the area of potential
19 effect for this Project; is that correct?

20 A (Widell) Yes.

21 Q When I was reviewing this, it seems to me that
22 there may be somewhat of a change in the APE at
23 this stage from what we heard in testimony
24 earlier in this proceeding, and, specifically,

1 I'll point, direct your attention to the APE for
2 indirect effects to underground sections of the
3 Project. And as I read it here, towards the
4 bottom of the paragraph, there's a defined APE
5 for indirect effects as 200 feet approximately
6 from the edge of pavement on both sides of
7 existing roads. And that's in paragraph 36
8 towards the bottom of the paragraph.

9 Did I read that correctly or does that
10 summarize that correctly?

11 A (Widell) That was for the indirect APE.

12 Q So that would be visual impacts, potentially
13 some other impact?

14 A (Widell) For the underground.

15 Q Yes. Okay. Is that a different indirect APE
16 from what you had previously been using in this
17 process when you were presenting your testimony
18 earlier in the proceedings?

19 A (Widell) No.

20 Q Okay. I may just be confused because I had been
21 remembering that there's, we had focused on the
22 20-foot direct APE for underground sections, but
23 I hadn't recalled there being explicit
24 discussion of an indirect APE for undergrounding

1 and going out 200 feet.

2 A (Widell) Yes. Most of the discussion was
3 related to the direct APE on underground.

4 Q Okay. In the work that you did for your
5 testimony in this proceeding, so I guess I can
6 represent that's in part work that went into the
7 106 process but was done initially for the
8 Application for the SEC, did you look to the
9 underground sections of the Project for
10 potential indirect effects to historic
11 resources?

12 A (Widell) No.

13 Q So that was not part of your testimony that was
14 submitted as part of the Application here?

15 A (Widell) No.

16 Q Okay. So let me ask then. Is the 200-foot
17 indirect APE for buried sections of the Project
18 something that has developed during the 106
19 process as an additional criteria or is it, has
20 it been there all along in the 106 process?

21 A (Widell) No. I don't believe it has. I would
22 have to refer back to the 2013 letter between
23 the Department of Energy and DHR which
24 established precisely the APE for both the

1 underground and the aboveground sections of the
2 Project.

3 Q Okay. But for purposes of your Direct Testimony
4 and Supplemental Testimony in this proceeding,
5 your analysis, I think just told me, did not
6 look to indirect effects for the underground
7 portion of the Project out to 200 feet to either
8 side of the roadways; is that correct?

9 A (Widell) Yes. To my knowledge there are not
10 visual effects related to an underground portion
11 of this Project.

12 Q But you didn't actually study that as part of
13 your review leading up to your direct and
14 Supplemental Testimony?

15 A (Widell) No.

16 Q Okay. Thank you. Subsequent to your
17 Supplemental Testimony being filed in this
18 docket, have you gone back and done a further
19 review of the underground portions of the
20 Project to look specifically at potential
21 indirect effects within the 200-foot APE to
22 either side of the roadways?

23 A (Widell) Yes, I have.

24 Q And has that, the result of your review, has

1 that been submitted in some form to the
2 Committee or to the parties?

3 A (Widell) Yes.

4 Q Is that the Effects Tables that we have recently
5 received?

6 A (Widell) Yes.

7 Q Thank you. So within the recent Effects Tables
8 which I believe are incorporated in Applicant's
9 Exhibit 196 B, you have addressed the indirect
10 effects out to 200 feet to either side of the
11 roadway?

12 A (Widell) Yes.

13 Q Thank you. Now I'm going to skip ahead to the
14 substance of the Programmatic Agreement for a
15 moment. And then we've got page 13 up on the
16 screen. At the bottom of page 13, do you see
17 that there's a heading, III Identification and
18 Evaluation of Historic Properties?

19 A (Widell) Yes. I see that.

20 Q And I'm showing the page, but you have the
21 document. Is that, do you understand that that
22 is one of the stipulations that's contained in
23 the Programmatic Agreement?

24 A Yes.

1 Q And if we, well, I'll start at the bottom here.

2 Part of what the Programmatic Agreement
3 appears to be doing is setting up a process that
4 could incorporate the identification of
5 additional resources within the APE; is that
6 correct?

7 A (Widell) Yes.

8 Q That's what this, part of what this stipulation
9 is getting at?

10 A (Widell) Yes.

11 Q And if we could go to the next page, please?

12 So at the top here we've got stipulation 3,
13 paragraph or section A(1)(a) and (b),
14 specifically (b), and it's asking or requiring
15 that there will be additional identification
16 investigations in New Hampshire, and then
17 there's a list of the types of things that will
18 be investigated. Is that correct?

19 A (Widell) Yes.

20 Q And those include the Phase 1 A and B
21 archeological investigations, architectural
22 inventory, cultural landscape inventory and
23 Phase II archeological investigations; is that
24 right?

1 A Yes. It also has letters beyond it, but yes.

2 Q Yes. Okay. And my understanding is that this,
3 much of that work has been done at this point;
4 is that correct?

5 A (Widell) I cannot speak to (b)(1), I'll have to
6 turn to my colleague, Dr. Bunker.

7 Q Sure. This is your big moment, Dr. Bunker.

8 A (Bunker) I'll make it brief. Yes.

9 Q And has that been completed at this point?
10 Specifically, identification investigations
11 including the Phase 1 A and 1 B archeological
12 investigations?

13 A (Bunker) Yes. 1 A and 1 B is completed and
14 Phase II is completed.

15 Q Has that been completed for the entirety of the
16 Project?

17 A (Bunker) No.

18 Q What hasn't been done yet?

19 A (Bunker) There's still a small segment of the
20 Project in the North Country on locally
21 maintained roads where Phase 1 A has been
22 completed, but we have not gone any further in
23 the other steps. These are in the towns of
24 Clarksville and Stewartstown.

1 Q Okay. Thank you.

2 A (Bunker) You're welcome.

3 Q Other than that section of the Project in
4 Clarksville and Stewartstown, have all the
5 archeological investigations been completed?

6 A (Bunker) Yes. Correct.

7 Q Okay. Thank you.

8 A (Bunker) You're welcome.

9 Q Back to Ms. Widell. In terms of the other
10 categories, the architectural inventory and the
11 cultural landscape inventory, I understand that
12 that process has been ongoing, and, indeed,
13 we're going to talk about some of the recently
14 submitted materials. In your opinion, have you
15 completed all of the investigations of resources
16 that you anticipate completing in this process?

17 A (Widell) Yes, but I would like to clarify that
18 DHR has been very much involved in the
19 identification of historic resources and very
20 helpful in directing which properties they
21 wanted to be identified as well as working on
22 identifying the cultural landscapes along with
23 the consulting parties. So I would not
24 characterize it as what I'm choosing to

1 identify. That has been done in complete
2 consultation with DHR who also is consulting
3 with the Department of Energy.

4 Q Right. And that's part of the 106 process,
5 correct?

6 A (Widell) Yes.

7 Q DHR and DOE's role is within the 106 process, to
8 clarify?

9 A (Widell) Well, to clarify, not exclusively. DHR
10 certainly provides information and direction in
11 the SEC process as well.

12 Q But in terms of identification of resources and
13 assessment of effects, that's primarily part of
14 the 106 process; is that correct?

15 A (Widell) Yes. Primarily.

16 Q If I understand what you're saying, I'll try and
17 summarize. You've completed what you believe to
18 be the identification phase, but the DHR and DOE
19 haven't completed their review so there could be
20 additional investigations required?

21 A (Widell) No. That's not accurate. And first I
22 would characterize, it's not my identification.
23 There have been at least 8 different firms
24 qualified under what we call the Secretary of

1 Interior standards for professionals involved in
2 the completion of inventories, and Public
3 Archeological Laboratory has been done for the
4 cultural landscapes so I would not characterize
5 it as what I chose or my completion.

6 Q Understand. I'm speaking of the royal "we," I
7 guess.

8 A (Widell) Okay. So I think you had a second part
9 of that question.

10 Q Yes.

11 A (Widell) Could you please repeat it so I can
12 answer it for you.

13 Q I'd be happy to, and I'll rephrase it slightly.

14 The Applicant has submitted the
15 identifications of Historic and Cultural
16 Resources at this point, but there's the
17 potential under this Programmatic Agreement that
18 there could be additional investigations
19 required or recommended?

20 A (Widell) Yes, with an undertaking of this size,
21 and once again, I may have to turn to my
22 colleague, Dr. Bunker, it is always possible
23 that you missed something. Most often in my
24 professional experience it has to do with

1 archeology.

2 Q Okay. Thank you. And if we could go back two
3 pages, please? 16. So now I'm showing you,
4 we're still within Applicant's Exhibit 204, the
5 Programmatic Agreement, and this is page 16, and
6 it's paragraph 2. I lost track of the exact
7 outlining phase there, but it's the paragraph
8 that's labeled number 2 here. And it here
9 directs Northern Pass to prepare a Work Plan
10 prior to carrying out the identification
11 investigations. Would I be correct in assuming
12 that that has already occurred?

13 A (Widell) My understanding is that a Work Plan
14 has been developed and submitted to the
15 Department of Energy as of last year.

16 Q Last year. Okay. And that would be before the
17 investigations were completed as called out
18 here?

19 A (Widell) Yes.

20 Q Were you involved in creating that document?

21 A (Widell) No.

22 Q Do you know who was?

23 A (Widell) No. I do not.

24 Q Okay. And do you know what is included in that

1 Work Plan?

2 A (Widell) No.

3 Q Okay. Do you have an understanding of what the
4 purpose of that Work Plan is?

5 A (Widell) The purpose was to fulfill the
6 recommendation in this Programmatic Agreement to
7 do a Work Plan.

8 Q Okay. And is it your understanding that there
9 is a continuing role for that Work Plan at this
10 point in the Section 106 process?

11 A (Widell) I'm not sure.

12 Q Okay.

13 A (Widell) Because the identification has pretty
14 well been completed through the direction of the
15 DHR in consultation with Department of Energy,
16 but it certainly would dictate any future
17 identification activities according to this
18 Programmatic Agreement.

19 Q We're not going to go through all the details
20 here, but this section of the Programmatic
21 Agreement sets forth the process whereby the
22 investigations that have already taken place
23 more or less followed, but going forward, any
24 additional investigations would follow through

1 this process within the broader 106 process?

2 A (Widell) Yes.

3 Q And it stipulates who is going to have times to
4 review submissions by the Applicant and when it
5 gets a final stamp from DOE and DHR is approved,
6 I guess approved isn't the right word, but if
7 they agree with the identification that's
8 presented by the Applicant?

9 A (Widell) Yes, because I wanted to just say not
10 exactly because, as you know, this is a
11 consultation process. It is not a permitting
12 process. So what is outlined is entirely review
13 and comment and consultation.

14 Q And at the end of the road, it's DOE that makes
15 a final decision about the identification of
16 resources as being eligible for the National
17 Register of Historic Places?

18 A (Widell) No.

19 Q Who makes that decision?

20 A (Widell) DOE recommends what is eligible and
21 then consults with DHR, and usually there is
22 agreement. If there is not agreement, there is
23 a process to pursue related to that.

24 Q And that's also something that that process is

1 also covered by the Programmatic Agreement?

2 A (Widell) Yes. And federal regulations.

3 Q Okay.

4 PRESIDING OFFICER HONIGBERG: Hang on, Mr.
5 Aslin. Off the record.

6 (Discussion off the record)

7 Q Okay. And now we are skipping ahead, we were
8 just speaking about stipulation 3, correct?

9 A (Widell) Yes.

10 Q And now I'm going to skip ahead to stipulation 4
11 which is titled Assessment of Effects on
12 Historic Properties within the APE. And broadly
13 speaking, this is the next phase within the 106
14 process. After identification is assessment of
15 whatever effects there may be on those resources
16 that have been identified, correct?

17 A (Widell) Yes. The effects are identified as
18 three types.

19 Q We've had testimony on that.

20 A (Widell) Yes. Correct. Okay.

21 Q Go to the next page, please.

22 Okay. So in the middle of this, this is
23 page 23 now of the Programmatic Agreement, and
24 in the middle of the page under Section E 2 it

1 speaks to the appropriate effects documentation,
2 and that directs you to create Effects Tables;
3 is that correct?

4 A (Widell) Yes.

5 Q And that is what's been submitted recently.
6 Well, there was some submitted prior, but we
7 have gotten a recent batch that was Exhibit 196
8 B; is that correct?

9 A (Widell) Yes.

10 Q We're going to come back to those in a minute,
11 but I wanted to flag it in the agreement.

12 Move to page 26, please. And then
13 stipulation 5 which begins on page 26 addresses
14 Resolution of Adverse Effects. Am I correct
15 that that is the portion of the process that
16 deals with avoidance/minimization and mitigation
17 of effects?

18 A (Widell) Yes. I would clarify that often
19 avoidance and minimization begins even prior to
20 that Resolution of Effects as well.

21 Q Understood. This is the process to kind of take
22 it to the end game.

23 A (Widell) Yes.

24 Q And on the next page which is page 27, there is

1 reference to a requirement that the Applicant
2 prepare a HPTP which somewhere above is defined
3 as the Historic Properties Treatment Plan; is
4 that correct?

5 A (Widell) Yes.

6 Q And would you agree that that is the plan that
7 gets into some of the details about mitigation
8 efforts that may be needed for properties that
9 have an adverse effect?

10 A (Widell) Yes. According to stip 5 A on the plan
11 for resolution of adverse effects will be
12 documented as part of it. So usually there is
13 discussion about the properties that have
14 adverse effects that cannot be basically changed
15 through avoidance or minimization, and they, the
16 decisions on how to deal with that would be
17 documented as part of the Historic Properties
18 Treatment Plan.

19 Q Would you agree that the Programmatic Agreement
20 itself doesn't get into the details for specific
21 mitigation of individual properties, and that's
22 something that would be in the Historic
23 Properties Treatment Plan?

24 A (Widell) Yes.

1 Q Has the Historic Properties Treatment Plan been
2 created in this, for this undertaking?

3 A (Widell) I'm going to refer to my colleague,
4 Dr. Bunker, regarding the Historic Properties
5 Treatment Plan.

6 A (Bunker) The answer to your question is it has
7 not been finalized. It has not been completed
8 in whole. However, last year portions of it
9 were in draft preparation as a starting point.
10 The plan now will go forward and be completed as
11 part of this Agreement.

12 Q Okay. And you said it will go forward. Is
13 there a time frame for its completion?

14 A (Bunker) I don't know that.

15 Q Does the completion of the -- I'm going to use
16 the acronym, HPTP, require a final determination
17 of adverse effects by DHR and DOE before you can
18 complete the plan?

19 A (Bunker) I'm really not sure of that sequencing.
20 But the mitigation will be, the mitigation plans
21 for the specific effects are part of what
22 happens in Step II of the plan.

23 Q Okay. So if the plan is going to address
24 mitigation of adverse effects, you first need to

1 know which effects, where there are adverse
2 effects; isn't that right?

3 A (Bunker) Yes.

4 Q And that determination is something that is done
5 through DOE and DHR within the 106 process,
6 correct?

7 A (Bunker) Yes.

8 Q So until that determination is made within the
9 106 process, you wouldn't be able to have a
10 final HPTP to address mitigation of adverse
11 effects?

12 A (Bunker) That's correct.

13 Q Okay. And at that point, there is no final
14 determination from DHR and DOE on adverse
15 effects for the entirety of the Project.

16 A (Bunker) Not to my knowledge.

17 Q Ms. Widell, do you agree with that?

18 A (Widell) Yes.

19 Q Okay. So we heard a lot about the Programmatic
20 Agreement during your testimony a week or so
21 ago, maybe a couple weeks now, as addressing
22 these mitigation issues for specific properties,
23 but if I'm understanding correctly, it's really
24 the HPTP which is a subset or follow-on to the

1 Programmatic Agreement that will have that
2 detail in it; is that right?

3 A (Widell) Yes.

4 Q Okay. And I believe, Dr. Bunker, you indicated
5 that you're not sure when that plan may be
6 complete.

7 A (Bunker) I don't know the dates, no.

8 Q Since you're answering that question about the
9 plan, am I correct to assume that you've been
10 involved to some extent with the drafting of
11 that plan?

12 A (Bunker) Yes. I was involved last winter in
13 preparing information at the request of Mark
14 Doperalski.

15 Q Is Mr. Doperalski the primary person working on
16 that plan for the Applicant?

17 A (Bunker) To my knowledge, he is.

18 Q Okay. Thank you. At this point in the process,
19 would you agree that we have the Applicant's,
20 specifically, your recommendations about where
21 there may be adverse effects from the Project,
22 but we don't have a final determination from DOE
23 and DHR, and we don't know what specific
24 mitigation elements may be recommended or

1 proposed for those adverse effects? Is that a
2 correct summary of where we stand?

3 A (Widell) Yes, but let me explain. The Effects
4 Tables were completed not by myself alone,
5 although I fully participated in the completion
6 of them. They were, the Effects Tables
7 themselves were designed by DHR, basically, and
8 given for their completion and working with
9 Preservation Company on the Effects Tables,
10 professionals in the field completed them.

11 Q I understand that you're not solely responsible
12 for all those decisions.

13 A (Widell) Thank you.

14 Q I'd like to turn now to -- I want to touch on
15 one other part. Sorry.

16 Within the HPTP, do you agree that there
17 are subplans or specific plans that are part of
18 that broader document? And I can direct you to
19 the next few pages of the Programmatic
20 Agreement. On the bottom of the page that we're
21 looking at it says it will include plans for
22 monitoring, unanticipated discoveries and
23 training of NPT personnel which will be
24 stand-alone appendices to the HPTP?

1 A (Widell) Yes. And I'm sure that's why
2 Dr. Bunker was involved because the
3 archeological resources, those are areas that
4 are important. They're also important for above
5 ground resources in this particular Project.

6 Q Yes, and if we flip ahead to the next page,
7 there's a number of detailed requirements for
8 the monitoring plan, and then on the following
9 page, 29, Requirements for an Unanticipated
10 Discovery Plan, and for a training plan. And
11 those are all details about how the Applicant
12 will handle historic and cultural resources
13 going forward within the 106 process; is that
14 correct?

15 A (Widell) Yes.

16 A (Bunker) Yes.

17 Q And we, at this point, have any of those plans
18 been finalized?

19 A (Bunker) No.

20 A (Widell) No.

21 Q Do you have an expectation of when they may be
22 finalized?

23 A (Bunker) The schedule hasn't been set. I don't
24 know if there is a date.

1 Q That's fair enough. Can you estimate that it is
2 going to be finalized within the next six
3 months? Or a year? Ballpark? Anywhere within
4 that range?

5 A (Bunker) I'm sorry. It's not my decision. I
6 don't know. I would hope sooner rather than
7 later.

8 Q Fair enough. But it could be a year from now?

9 A (Bunker) I don't know.

10 Q You don't have enough information. Okay.

11 Now I'd like to shift gears a little bit
12 and move into the discussion of the cultural
13 landscapes. If I understand correctly, Ms.
14 Widell, the DHR at some point during this
15 process requested that the Applicant conduct
16 studies of potential cultural landscapes within
17 the Project area?

18 A (Widell) Yes, but let me clarify that. The
19 first mention of them came from the Project Area
20 Forms that were completed by the Department of
21 Energy. In those Project Area Forms, there were
22 two study areas that were identified. They were
23 the Pemigewasset River Valley and the Suncook
24 River Valley, and Public Archeological

1 Laboratories were identified by Northern Pass to
2 complete those cultural landscape reports to see
3 if there were, in fact, any cultural landscapes
4 in those two study areas.

5 Q Okay. Thank you. And at some point, that
6 expanded to a five different study areas; is
7 that correct?

8 A (Widell) Yes. In January of 2017, a meeting
9 was, a public meeting was held with the
10 consulting parties, and three additional study
11 areas were added. They were the Ammonoosuc
12 River Valley, the Great North Woods, and
13 Deerfield, and there was information provided
14 to, and I'm now going to use the term PAL which
15 is the consultant that completed the cultural
16 landscapes, from local historians and included
17 letters, emails, local documents, suggestions
18 for information and provided to PAL to take into
19 consideration in the completion of the study
20 area for cultural landscapes.

21 Q Thank you for that clarification. The PAL,
22 Public Archeology Laboratory, I'll stick with
23 PAL, I think you just said conducted all five of
24 those studies?

1 A (Widell) Yes.

2 Q Did you have a role in the creation or the
3 development of those studies?

4 A (Widell) Yes. I participated and reviewed and
5 commented and also visited them. Yes.

6 Q Okay. And those five studies have been
7 submitted as Applicant's Exhibit 211, I believe.

8 A (Widell) Let me clarify for you. The study
9 areas were quite large, except for Deerfield,
10 but they were quite large, and from those study
11 areas then there were specific areas that were
12 identified as cultural landscapes. Those that
13 were in or proximate to the area of potential
14 effects for the Northern Pass Project, and those
15 that were within the study area but not in any
16 way close or proximity to the area of potential
17 effect. So there were ten cultural landscapes
18 out of those four study areas that were
19 identified, and I believe you know that
20 Deerfield, it was decided that Deerfield did not
21 warrant completing a cultural landscape study.

22 Q All right. You got ahead of me, but that's
23 fine. So to summarize, there were five. You
24 identified the five study areas?

1 A (Widell) Yes.

2 Q PAL conducted the studies and identified within
3 four of those study areas a total of ten
4 cultural landscapes, potential cultural
5 landscapes that are in or adjacent to the APE.

6 A (Widell) Yes.

7 Q Then in addition to those ten, I counted between
8 13 and 16 additional potential cultural
9 landscapes that were recommended for future
10 study because they were outside of the APE. Is
11 that correct?

12 A (Widell) Yes. That's what I had just stated,
13 yes.

14 Q And those, all that information is outlined in
15 great detail within the cultural landscapes
16 studies which are Exhibit 211?

17 A (Widell) Yes.

18 Q We'll take a look at those in a second.

19 For the ten cultural landscapes that were
20 identified or potential cultural landscapes, you
21 then went on and conducted an assessment of
22 effects and produced Effects Tables; is that
23 correct?

24 A (Widell) Not exactly. We did do Effects Tables

1 for the cultural landscapes, but the first thing
2 that really was done was better understanding
3 the significance, integrity, boundaries,
4 important elements of the cultural landscape for
5 each of those ten and their proximity to the
6 area of potential effect. So we first really
7 understood the integrity and significance of
8 each and every cultural landscape, and I
9 reviewed each of those and once again visited
10 those areas.

11 Q Is that the information that is contained in the
12 different volumes of the studies?

13 A (Widell) Yes.

14 Q I want to take a look at one of those cultural
15 landscape studies, and this is, yes, this is the
16 Ammonoosuc River cultural landscape, or sorry.
17 Back up. The Ammonoosuc River Valley study area
18 report or study. This is Volume 1 which
19 addresses the broad study area. And I want to
20 take a look first at what is a cultural
21 landscape because that's a little harder to
22 understand than a general historic resource
23 where you're talking about a structure or an
24 archeological site.

1 So what I'm showing you here is part of the
2 study report by PAL, and it's the definition of
3 a cultural landscape, and I'll just read it into
4 the record, and everyone can think about it for
5 a second, but it says, "A cultural landscape is
6 a reflection of human adaptation and use of
7 natural resources and is often expressed in the
8 way land is organized and divided, patterns of
9 settlement, land use, systems of circulation,
10 and the types of structures that are built. The
11 character of a cultural landscape is defined
12 both by physical materials, such as roads,
13 buildings, walls and vegetation, and by use
14 reflecting cultural values and traditions."

15 Did I that read that correctly?

16 A (Widell) Yes.

17 Q And that's part of the National Park Services'
18 guidance document on cultural landscape, right?

19 A Yes.

20 Q So I've read that several times, and it seems
21 very broad and not 100 percent clear what is
22 encompassed by cultural landscape. It seems to
23 me that it is something broader than a district
24 where you have a group of structures perhaps

1 that are identified together because it speaks
2 to natural resources, organization of land,
3 systems of circulation. Can you summarize what
4 you understand a cultural landscape to be and
5 how it relates to what sort of we would maybe
6 call a more additional historic property?

7 A (Widell) Let me make sure I understand your
8 question. Would you like me to compare it, say,
9 to a Rural Historic District which is
10 traditionally the type of property, if you will,
11 that in New Hampshire has been used for larger
12 vernacular areas?

13 Q Sure. That would be a good start.

14 A (Widell) There are actually very similar, and
15 the Rural Historic District guidance is used in
16 the identification and understanding of cultural
17 landscapes. Cultural landscapes may also
18 include natural features, they might also
19 include land in between the buildings, but they
20 have concentrations of historic buildings. And
21 what is very similar, of course, is that you are
22 still using the same criteria for integrity and
23 significance that we talked about previously
24 when I was here testifying before for individual

1 historic properties, meaning the A, B, C or D
2 National Register criteria of broad patterns of
3 history or architecture or biography and also
4 the 7 measurements of integrity that have been
5 established by the National Park Service.

6 Did that help?

7 Q Somewhat. So would you agree that a cultural
8 landscape can include, features I think is the
9 right word, but correct me if that's not,
10 features that are not by themselves a historic
11 property?

12 A (Widell) Could you give me an example?

13 Q I'm thinking of things like where it says in the
14 definition of patterns of land use or systems of
15 circulation.

16 A (Widell) Patterns of land use. Good example in
17 New Hampshire would be the range road system
18 which is a pattern of the way land was divided
19 during settlement periods. Land use, obviously
20 fields, farm fields, versus a mining district
21 where the use of land would be very different.
22 Those are two examples of land use that would
23 have patterns that you would be able to read in
24 the landscape and identify because you'd be able

1 to say oh, this is a different way of using the
2 land or the land has been divided or even
3 getting around it which is circulation patterns.

4 Q Okay. And that's roadways and different, what,
5 okay.

6 Am I correct in my understanding that a
7 number of fields together may not be historic
8 but when you look at how they relate to each
9 other and associate together with historic
10 properties but also just a way to look at the
11 history of our state that that can then become a
12 cultural landscape?

13 A (Widell) It really depends upon the presentation
14 of those things that are in the definition that
15 the Park Services give.

16 Q And again, you need significance and integrity
17 in order to be a landscape?

18 A (Widell) Yes.

19 Q I think another way that, what I'm trying to get
20 at is there are certain contributing resources
21 or features that make up the pieces of the
22 cultural landscape, right?

23 A (Widell) Yes.

24 Q And not all of those would necessarily by

1 themselves be historic properties or historic
2 resources individually?

3 A (Widell) That is true. They might be features,
4 character defining features, that contribute to
5 significance, but they might in and of
6 themselves not be. Yes.

7 Q And the flip side of that, there may be
8 contributing resources within a cultural
9 landscape that are individually historic
10 resources.

11 A (Widell) Yes.

12 Q And so we're looking at some conglomeration or
13 association of those different features and
14 historic resources that relate to each other in
15 the way that reflects the history of that
16 region.

17 A (Widell) Yes.

18 Q Okay. So I want to start looking at some of the
19 specifics of the different landscapes that were
20 identified. And this I'm showing you now is
21 Figure 5-1 from the Ammonoosuc River Valley
22 Study Area Report which is Applicant's Exhibit
23 211. I'm not sure which tab it is, but it's in
24 there. And this is a map of the study area

1 that's the dark black line that goes around the
2 big parcel shown on the map, and then there are
3 two cultural landscapes identified in the
4 center. Is that correct?

5 A (Widell) Yes.

6 Q So those were the two cultural landscapes or
7 potential cultural landscapes identified within
8 this study area that are in or adjacent to the
9 APE.

10 A (Widell) Yes.

11 Q And they are the Gale River Cultural Landscape
12 and the Ham Branch River Cultural Landscape.

13 A (Widell) Yes.

14 Q Okay. And then jumping ahead a few pages to
15 Figure 5.2, these are the two potential cultural
16 landscapes that were identified for or
17 recommended for future study but are not within
18 or adjacent to the APE; is that correct?

19 A (Widell) Yes.

20 Q And that's the basic format for all of the
21 studies. They looked at those that are within
22 the APE and those that are without?

23 A (Widell) Or in close proximation, yes.

24 Q Okay. So with that kind of high level

1 background, let's look at the Ham Branch River
2 Cultural Landscape.

3 So this is a map from, believe it's Volume
4 2 of the Ammonoosuc River Valley Study Area that
5 shows specifically the Ham Branch River Cultural
6 Landscape; is that correct?

7 A (Widell) Yes. This is, I have Figure 2. --

8 Q Figure 2.1?

9 A (Widell) You have Figure 2.1.

10 Q It's on page 5, Volume 2.

11 A (Widell) I have it. Thank you. Yes.

12 Q So this shows the outline of the cultural
13 landscape area and also identifies some of the
14 contributing resources within the cultural
15 landscape; is that right?

16 A (Widell) Yes, but let me explain. They are more
17 contributing elements, yes, is what they were,
18 yes.

19 Q Contributing elements as opposed to resources?

20 A (Widell) Well, for purposes of this discussion
21 they are the same.

22 Q Okay. And this also shows patterns of land use
23 to some extent where it shows agricultural land,
24 wooded land, trails and other aspects of the

1 landscape?

2 A (Widell) Yes.

3 Q That's important in a cultural landscape because
4 it goes to the discussion we had before; these
5 are all features that relate to each other to
6 show the historic association of this area?

7 A (Widell) Yes, and it might also show modern
8 development, modern intrusions where they're not
9 likely to be contributing resources or
10 contributing elements, yeah.

11 Q Okay. Okay. I lost track of what page this was
12 because it's farther down in the report. And
13 this is a section of the study report that is
14 talking about visual character and intangible
15 qualities. Are those aspects of the cultural
16 landscape that kind of go into that higher level
17 review other than looking beyond just the
18 individual resources within the landscape?

19 A (Widell) I want to understand your question so I
20 can answer it accurately. Can you help me
21 clarify it?

22 Q Yes, I'm trying to understand what intangible
23 qualities are for a cultural landscape.

24 A Intangible qualities go directly to the

1 integrity test of feeling, for one thing,
2 particularly, and feeling is where, is the
3 property able to convey its significance,
4 meaning in laymen's terms, could you understand
5 and learn from place, learn about the history of
6 place by being in that location. Are there
7 enough qualities and integrity in that place so
8 that you can actually see what it might be like
9 in the late mid 19th century at that farm.

10 Q Okay.

11 A (Widell) Okay?

12 Q Yes. That's helpful. Thank you. And this
13 speaks to both land use and natural resources of
14 the area as well as patterns of development and
15 circulation, the roadways; is that correct?

16 A (Widell) Yes.

17 Q Those are all components to what makes it a
18 cultural landscape.

19 A (Widell) They're actually describing the
20 character of this particular cultural landscape,
21 yes.

22 Q And it also speaks to recreation and
23 tourism-related resources and agrarian
24 resources?

1 A (Widell) Yes. It says that. Um-hum.

2 Q And are those referenced here because they are
3 some of the character defining features of this
4 cultural landscape?

5 A (Widell) Yes. And also it is information
6 related to the history and land use patterns,
7 yes.

8 Q Okay.

9 A (Widell) What the properties were used for, yes.

10 Q And then for each of those cultural landscapes
11 that were identified, because they were
12 identified as cultural landscapes, there was a
13 determination that they have some significance
14 and integrity, and the significance could be
15 under any of the four criteria, A, B, C and D?

16 A (Widell) Yes.

17 Q I'm not going to go through that for each of
18 these, but am I correct that it's safe to assume
19 that because these have been identified in the
20 view by PAL were found to have significance and
21 integrity?

22 A (Widell) Yes.

23 Q I'm going to turn now to take a look at the
24 Effects Table for this cultural landscape which

1 is part of Applicant's Exhibit 196 B. I'll give
2 you a second to find it.

3 A (Widell) I have it. Thank you.

4 Q There's one of these Effects Tables for each of
5 the five cultural landscapes that were
6 identified, correct?

7 A Yes.

8 Q And who created the Effects Tables?

9 A (Widell) DHR.

10 Q DHR.

11 A (Widell) Yes.

12 Q Did they create them on their own or did they
13 have input from the Applicant and its
14 consultants?

15 A (Widell) The Applicant prepared a draft and
16 submitted it to DHR, and there were discussions.
17 I participated in some of those discussions.

18 Q And so for each Effects Table there is a
19 finding, a recommended finding of whether there
20 is an adverse effect or no adverse effect,
21 right?

22 A Yes.

23 Q Is that finding recommended by DHR at that
24 point?

1 A (Widell) No. DHR has not reviewed the Effects
2 Tables at this point.

3 Q Okay. But I think you just testified that they
4 created the Effects Table.

5 A (Widell) Yes. I'm sorry if I didn't make it
6 clear. They have, they created the format. The
7 language. The numbering system. They
8 incorporated the definition of an adverse effect
9 from the Section 106 process in the federal
10 regulations and then all of the examples that
11 needed to be gone through and considered for
12 each historic property or in this case cultural
13 landscape. Does that help?

14 Q Yes. Thank you. That was my understanding as
15 well.

16 A (Widell) And there were photographs and maps and
17 that sort of thing --

18 Q Yes.

19 A (Widell) -- that needed to be included.

20 Q So DHR has a form and a sort of procedure that
21 you, you being broadly, the Applicant and its
22 consultants, followed to create these actual
23 documents that were submitted as Effects Tables?

24 A (Widell) Yes. DHR had requested that the

1 information be provided in a particular format.
2 To my knowledge, this is the first time, but --

3 Q Okay.

4 A (Widell) In this particular format. It's new.
5 Although the questions and everything are
6 standard for determining adverse effect.

7 Q Okay. And then was it PAL then that compiled
8 this information in this format?

9 A (Widell) No. Preservation Company and myself
10 participated in this review.

11 Q Okay. Thank you. And so you, am I correct in
12 assuming that you relied on the studies
13 performed by PAL in part in developing these
14 Effects Tables?

15 A (Widell) Yes. And in some cases, certainly
16 there were a number of historic properties that
17 were incorporated into the cultural landscapes
18 that we were familiar with from the submission
19 of the assessment report in October of 2015 and
20 then subsequent inventory forms that were
21 completed as well.

22 Q For each of these Effects Tables, there's sort
23 of the form on page 2 which we can show you.
24 And then there's a description and a set of

1 identification of properties with historic
2 features in or near the APE. Is that correct?

3 A (Widell) In this particular Effects Table, what
4 was used was a table that identified individual
5 historic properties or features on the landscape
6 that might be affected by the underground. And
7 so we took a look at each one of those
8 particular features and displayed them in a
9 table. That was done for all of the cultural
10 landscapes for the underground section of the
11 Project.

12 Q Thank you. So that starts on page 4 of the
13 Effects Table.

14 A (Widell) Yes.

15 Q Thank you. That's specific to the direct APE,
16 the 20-foot from edge of pavement area?

17 A (Widell) Yes.

18 Q Okay.

19 A (Widell) But obviously they're, yes. Yes.

20 Q And it says that the table below identifies
21 those properties with historic features in or
22 near the direct APE. Is this a complete list of
23 all properties with historic features within the
24 APE?

1 A (Widell) Within the direct APE. Yes. We
2 believe that it is comprehensive.

3 Q Okay. And in this, for the Ham Branch River
4 cultural landscape, which we didn't really talk
5 about it, but it runs through kind of the
6 southern portion or southwest portion of
7 Franconia down Route 116 through Easton; is that
8 correct?

9 A (Widell) Yes. That is on page 9 under number 4,
10 the relationship of the Project to the property.
11 Yes. And we have precisely how many linear
12 miles that is.

13 Q Yes. And then there's maps included in the
14 Effects Table as well.

15 A (Widell) Yes.

16 Q Okay. So sticking with page 4 here, this table
17 of properties that are in or near the direct
18 APE, there are several that appear to be very
19 close to the roadway. So, for example, the
20 second one on the page is a barn, and it says it
21 is sited close to the road and the entire long
22 side is within the APE. So do I understand
23 correctly that the edge of that barn is actually
24 within the 20 feet of the pavement for this

1 area?

2 A (Widell) Yes.

3 Q Okay. And then there's four or five pages of
4 these identifying properties that are within the
5 APE. And some of those are stone wall features,
6 some of them are structures, some of them are
7 mature trees, and other historic features, all
8 that are within the APE?

9 A (Widell) Yes.

10 Q Okay. So if we go back to page 2, the table on
11 the evaluation table, I guess I will call it, in
12 that first box under evaluation on the
13 right-hand column, it indicates that signs and
14 property markers, building facades, steps and
15 stone walls are located within the APE. Is that
16 referring to those features that are shown in
17 the next several pages?

18 A (Widell) Yes, it is.

19 Q And then it goes on to say, "but direct effects
20 of those features will be avoided by Project
21 design."

22 A (Widell) Yes.

23 Q So in your and Preservation Company's assessment
24 of the effects, you've determined that the

1 Project will avoid interacting with any of those
2 properties that are within the 20-foot APE?

3 A (Widell) Yes.

4 Q Are you aware that at this point in the process
5 the final design for the Project has not been
6 completed?

7 A (Widell) Yes.

8 Q Are you aware that the Project may or may not go
9 outside of the bounds of the roadbed itself into
10 the shoulders?

11 A (Widell) Yes.

12 Q And are you able to say, given that there's no
13 final design, are you able to, how are you able
14 to say with assurance that all the properties
15 that are within the APE will be avoided?

16 A (Widell) Well, we have provided this information
17 to the design engineers. There is also a
18 provision that if there is any disturbed areas,
19 and you will see it is in the same block on the
20 last sentence, we'll be restored to
21 preconstruction conditions. So we will avoid,
22 our first choice, of course, these features. If
23 that's absolutely not the case, we will restore
24 the disturbed areas to preconstruction

1 conditions.

2 Q Are you able to do that in all cases? Restore
3 mature trees that are cut down that may have, be
4 part of the setting of the feature within the
5 cultural landscape?

6 A (Widell) I don't believe that we had identified
7 any trees.

8 Q I think there may be one in the next cultural
9 landscape. We can get back to that. But if
10 you, with regard to the barn we took a look at,
11 if Project engineering requires that that area
12 be disturbed, how in your experience would that
13 be handled? Would the barn be removed and then
14 replaced?

15 A (Widell) That's actual conjecture. I can't
16 speak to that right now.

17 Q Well, in your experience, have you ever dealt
18 with an effect to a historic resource that
19 requires it's, I mean, if the Project has to go
20 through that part of the barn, it would either
21 be destroyed or there would be some other
22 mitigation that would be done. In your
23 experience, what types of mitigation are
24 possible?

1 A (Widell) This is kind of a conjecture.

2 Q For any structure that might be within the path?

3 A (Widell) For anything. Moving comes to mind.

4 But having worked with this Project and these
5 Project engineers in discussions, I think that
6 they would go to a great deal of effort to avoid
7 this historic property.

8 Q Okay. So when you state that any disturbed
9 areas will be restored to preconstruction
10 conditions, if you're in a situation
11 hypothetically where engineering requires that
12 the Project is going to go through a structure
13 like this barn that we were looking at, that may
14 not be possible to restore it to its
15 preconstruction conditions?

16 A (Widell) Not necessarily. It may be moved or it
17 may be moved and moved back. You know, I'm not
18 going to speak precisely about this barn. I'm
19 giving you examples from previous experience.

20 Q Okay. Would you agree then that at this moment
21 we don't know which of these properties will
22 potentially have a direct effect because we
23 don't know the final engineering?

24 A (Widell) No. I wouldn't agree with that

1 statement.

2 Q So why do you not agree with that statement?

3 A (Widell) Because our Project design will avoid
4 these features that have been identified in the
5 final design.

6 Q Okay. Is that commitment something that is
7 documented anywhere other than in this Effects
8 Table?

9 A (Widell) I cannot speak to that, but I do know
10 that this information has been provided to those
11 completing the final design.

12 Q Fair enough. Farther down in the evaluation
13 table here, under paragraph V, I guess, which
14 deals with the introduction of visual,
15 atmospheric or audible elements that distinguish
16 the significance of the integrity of the
17 property's significant historic features, your
18 evaluation or your Preservation Company's
19 evaluation is that temporary construction
20 impacts consulting from Project construction
21 will not differ from those experienced in
22 typical state and local road construction
23 projects. That statement, I can understand how
24 it might relate to visual impacts, but it

1 doesn't actually state there will be no visual
2 impacts, does it?

3 A (Widell) It does not state that.

4 Q Is it your opinion that there will be no visual
5 impacts to properties within the cultural
6 landscape?

7 A (Widell) Yes.

8 Q And does that opinion include understanding that
9 the engineering of the Project may require some
10 vegetation removal along the boundaries of the
11 roadway?

12 A (Widell) I want to clarify your question there.
13 Vegetation removal wouldn't necessarily cause a
14 visual adverse effect. You're making that
15 assumption in your question.

16 Q No. I wasn't assuming it would have a visual
17 effect.

18 A Okay.

19 Q I'm asking if you considered the possibility of
20 vegetation removal.

21 A Absolutely. Yes.

22 Q Are you aware of the specific portions of the
23 Project where vegetation will be removed?

24 A (Widell) In this particular area or other

1 portions of the Project?

2 Q In this particular area, within the Ham Branch
3 River Cultural Landscape.

4 A (Widell) It was considered in our identification
5 of character defining features. Yes.

6 Q When you say it was considered, you mean
7 vegetation removal was considered? And then you
8 said in your assessment of character defining
9 features. Did I get that correct?

10 A (Widell) Okay. I want to clarify this because
11 some things are, you're identifying historic
12 character defining features that might be
13 affected by the Project. When you're doing an
14 Effects Table, you're determining whether
15 there's an adverse effect being caused by the
16 Project. There might be bushes that are not
17 contributing to the character of the historic
18 resource. I cannot give you precisely an
19 example. So if there were historic features of
20 the setting that were identified, they would
21 have been part of this discussion in the
22 identification of character defining features
23 that would be affected by the Project. I don't
24 want to use too much language.

1 Q I think you've answered the question. Thank
2 you.

3 A (Widell) Okay.

4 Q But at this moment in time, you do not have
5 specific information about what vegetation will
6 be removed during the construction of this
7 Project, do you?

8 A (Widell) No. Not precisely.

9 Q Okay. Thank you. The table that it appears on
10 pages 4 through 8 of the Effects Table, we
11 talked about a little bit. That's the listing
12 of properties with historic features that are in
13 or near the direct APE, correct?

14 A (Widell) Yes.

15 Q I think there are 19 or 20 that are listed for
16 this cultural landscape.

17 A (Widell) Eighteen, it looks like. Yeah.
18 Roughly.

19 Q Thank you. In the cultural landscape study that
20 was performed by PAL, there is a list of
21 resources that are within the area of -- not
22 visual. In this case if you could, in the
23 middle of this bottom paragraph which is on page
24 52 of Volume 2 of the Ammonoosuc River Valley

1 Study which is part of Applicant's Exhibit 211,
2 PAL identified, quote, "The following identified
3 resources are located within or immediately
4 adjacent to the APE for the Northern Pass
5 Project," and then there is a listing of a
6 number of resources.

7 A (Widell) Yes. I see that.

8 Q When I tried to compare this list to the table
9 that is in your Effects Tables, I couldn't match
10 them up. In fact, the addresses that are listed
11 here, there are some that match, but not all.
12 Could you explain why there's a discrepancy
13 between the two lists?

14 A (Widell) Yes. The Effects Table is actually
15 precisely the character defining features that
16 would be affected potentially by the
17 underground. There may be some properties that
18 would not potentially be affected once we made
19 an actual site visit to the property.

20 Q So where PAL created this list, are you
21 testifying that this list includes properties
22 that do not have character defining features?

23 A (Widell) No.

24 Q Okay. Clarify for me what you're trying to

1 explain.

2 A (Widell) They may not have character defining
3 features that upon visiting them were in close
4 proximation to the underground APE.

5 Q Okay. So the distinction being the identified
6 resources may be within the APE but character
7 defining features of those resources may not?

8 A (Widell) Correct. It might be affected by the
9 Project. Some of them may not have a stairway
10 that's within the direct APE. They may sit back
11 sufficiently from the roadway, not to be
12 affected, although they are in the APE. Does
13 that help?

14 Q Are we talking about direct and indirect APE?
15 Is that the distinction?

16 A (Widell) No. Your house has a front stair. You
17 can look at that table. You can see them. That
18 is in close proximation to the pavement and
19 obviously where the underground APE is. In that
20 case, that particular house is likely to be
21 where there could be a direct effect.

22 If your house does not have a set of stairs
23 and sits back, it still is a historic building,
24 it may be within an APE but doesn't have any

1 features out there by the pavement that would be
2 affected. If you look at that table you'll see
3 it has to do with fences and stairways and
4 corners of buildings and front porches and
5 facades. Okay?

6 Q Okay.

7 A (Widell) Does that help?

8 Q Yes, it did.

9 PRESIDING OFFICER HONIGBERG: Off the
10 record.

11 (Discussion off the record)

12 BY MR. ASLIN:

13 Q So this is now moving on to page 9 of the
14 Effects Table for Ham Branch River Cultural
15 Landscape, and towards the bottom of the page,
16 you discuss vibration and other temporary
17 construction impacts. You state that those
18 impacts from construction will not differ from
19 those experienced in typical state and local
20 road construction projects.

21 A (Widell) Yes.

22 Q And you state that no blasting is intended to be
23 used. And then you reference a preconstruction
24 condition survey of structures will be conducted

1 in accordance with the New Hampshire DOT
2 standard specifications relating to vibration
3 effects.

4 So I'd like to take a look at what those
5 standards are. Are you familiar with the
6 vibration monitoring standards?

7 A (Widell) Yes. I am.

8 Q And let me back up for one second. Within the
9 Ham Branch River Cultural Landscape, do you
10 understand that there will be horizontal
11 directional drilling for portions of the Project
12 along this area?

13 A That was my understanding.

14 Q As well as trenching for burial of the line?
15 Okay. And those are the types of construction
16 activities that might have vibration impacts.

17 A (Widell) Yes.

18 Q Okay. We've marked as Counsel for the Public
19 Exhibit 489 the Section 211 from the standard
20 specifications that you referenced. Do you
21 recognize that which is appearing on the screen?

22 A (Widell) My copy of it is slightly different.

23 Q I'll represent this copy came off of New
24 Hampshire DOT's website. Downloaded it. So it

1 may be a different version. This is a 2016
2 version.

3 A (Widell) This is 2016. It's Section 211. It
4 just, it seems to have different numbering,
5 and --

6 Q Let's try walking through it and if you see
7 something that's materially different from your
8 version, we can discuss that.

9 A (Widell) I think that's fair. Thank you very
10 much.

11 Q As I read through this to try and understand it,
12 I understand that under this specification there
13 will be a vibration consultant brought on to
14 look at potential effects of vibration?

15 A (Widell) Yes, and that actually is the person
16 that I have. Mine begins at 3, down underneath
17 the construction requirements, 3.23. So yes.

18 Q Okay.

19 A (Widell) Vibration monitoring plan.

20 Q So there will be a vibration consultant, and
21 they will come up with a vibration monitoring
22 plan. Is that correct?

23 A (Widell) Yes.

24 Q And it says at the end of Section 3.2 that the

1 construction activity shall not begin until the
2 plan has been approved. Who approves that plan?

3 A (Widell) I do not know.

4 Q Okay. Would it be a safe assumption to say that
5 it's probably New Hampshire DOT?

6 A (Widell) I cannot speculate.

7 Q Neither can I actually so I don't know the
8 answer.

9 Section 3.21 talks about conducting a test
10 program to establish the allowable vibration
11 limits subject to approval. Have you in your
12 experience been involved with vibration
13 monitoring plans such as this one in other
14 Projects or dealing with other historic
15 resources?

16 A (Widell) No. Not such as this one precisely.
17 But I have been involved in some Projects that
18 have had vibration concerns for historic
19 buildings, yes.

20 Q Okay. And it goes on to specify some things
21 that should be included in the plan, and if you
22 look at Section 3.2.2(d) in the middle there it
23 says there's going to be a recommendation for
24 structures, utilities and all other facilities

1 as to whether they'll require a pre and post
2 construction condition survey, and it says
3 relevant to what we're talking about, this
4 recommendation shall pay particular attention to
5 historic structures, structures in poor
6 conditions, et cetera. So part of this is to as
7 I understand it, assess whether there may be
8 vibration impacts to historic structures in the
9 vicinity of construction. Is that correct?

10 A (Widell) It appears that is the intention, yes.
11 I do not have this portion on the piece of, the
12 Section 211. As I said, mine begins at 3.2.3.
13 My copy.

14 Q Okay. And is that the purpose of your reference
15 to these specifications in your Effects Table?

16 A (Widell) It was referenced to the Section 211
17 provision, yes. If there is an indication that
18 there may be vibration, this is the method that
19 would be dealt with, yes.

20 Q Section E which you may or may not have under
21 3.2.2 says. "Recommendations. If it is
22 determined that the proposed construction
23 activity could not be reasonably implemented
24 without exceeding vibration limits that are

1 necessary to protect adjacent facilities." The
2 grammar is a little funny there, but I take that
3 to mean that there could be a situation where
4 the vibration consultant would say you can't
5 perform the particular construction that you
6 wanted to in this location because it may exceed
7 vibration limits. Is that your understanding?

8 A (Widell) That's what it says, yes.

9 Q And then the next section, 3.2.3 at the top of
10 the next page goes on to say, "The engineer may
11 require modifications to the submittal to
12 include but not limited to surveying and
13 monitoring of additional structures, a number of
14 monitoring sites and the distances for
15 monitoring."

16 So it seems to me that part of this
17 specification is an iterative process of
18 assessing the impacts of vibration, and in order
19 to prevent any vibration impacts to any
20 structure but in particular here, historic
21 structures, there is some authority given to
22 some unknown entity to require modifications to
23 the Project or at a minimum to stop the Project
24 temporarily while they figure out what to do

1 next.

2 If we go to the third page, indeed Section
3 3.8 at the top, it says in the second sentence,
4 "If the monitoring data indicates that the
5 ground vibration limits for any of the three
6 mutually perpendicular components have been
7 exceeded, the contractor shall cease the
8 particular construction activity and submit a
9 written report giving corrective action."

10 So again, this seems to suggest that if
11 vibration becomes a factor, the Project could
12 halt and there may have to be changes to the
13 engineering developed, and am I correct that by
14 referencing this section, you are asserting that
15 if there are any potential vibration impacts to
16 historic properties that they'll be dealt with
17 through this process?

18 A (Widell) Yes. That is the, yes, that is the
19 commitment. Yes. To avoid adverse effects to
20 historic properties or their character to final
21 features, yes.

22 Q Okay. Thank you. Are you aware of whether this
23 vibration monitoring specification applies to
24 horizontal directional drilling?

1 A (Widell) I do not.

2 Q And then looking at this, your evaluation for
3 this cultural landscape, your recommended
4 finding was no adverse effect, correct?

5 A (Widell) Yes.

6 Q And if I read your Effects Tables correctly, the
7 basis for that is because you found there would
8 be no visual impact and that all direct impacts
9 will be avoided.

10 A (Widell) Yes.

11 Q And again, we've discussed that the Project's
12 final engineering hasn't been determined yet or
13 finalized at this point, but your assertion is
14 that the Applicant will find a way to avoid all
15 effects.

16 A (Widell) Yes.

17 Q Okay. Thank you. Off the record.

18 (Discussion off the record)

19 PRESIDING OFFICER HONIGBERG: Why don't we
20 take a ten-minute break.

21 (Recess taken 3:36 to 3:56 p.m.)

22 PRESIDING OFFICER HONIGBERG: Mr. Aslin,
23 you may continue.

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

1 BY MS. ASLIN:

2 Q I'm going to shift gears to the Gale River
3 Cultural Landscape which is the second of two
4 identified cultural landscapes within whichever
5 section we're on. The Ammonoosuc River Valley
6 Study Area. Okay. And so I've put up on the
7 screen the map for the Gale River Cultural
8 Landscape, and you can see it stretches from
9 parts of Sugar Hill down through Franconia and
10 through the downtown area of Franconia. Is that
11 correct?

12 A (Widell) Yes.

13 Q That's part of Route 18 and this section of the
14 Project is underground. Correct?

15 A (Widell) Yes.

16 Q And, again, the map here shows a number of
17 contributing features that are part of the
18 cultural landscape?

19 A (Widell) Yes.

20 Q Okay. That gives us our context.

21 Similar to the Ham Branch River Cultural
22 Landscape, you completed an Effects Table, and
23 that is here as part of Applicant's Exhibit 196
24 B; is that right?

1 A (Widell) Yes.

2 Q Okay. And it's the same format, correct?

3 You've got a, second page has an evaluation
4 table and then you have a description, and then
5 you have your table of properties with historic
6 features in or near the direct APE.

7 A (Widell) Yes.

8 Q And again, those include properties that have
9 character defining features that are within 20
10 feet of the roadway that have the potential, the
11 theoretical potential to be impacted?

12 A (Widell) Yes.

13 Q Okay. And I wanted to direct you to page 5.

14 And the third one down, you'll see, you've
15 listed there are mature trees along the sidewalk
16 and edge of the street that abut the APE. And
17 then if we flip to the second, the next page,
18 page 6, again, in the middle picture you've
19 identified mature pine trees that front the
20 property named Pine Haven that are within and
21 abut the APE.

22 A (Widell) Yes.

23 Q Are these two examples where the trees
24 themselves are character defining features?

1 A (Widell) Yes, they are.

2 Q In this case those trees, those mature trees or
3 both of those cases are within the 20-foot
4 direct APE?

5 A (Widell) Yes.

6 Q And again, if for some reason, hypothetically,
7 engineering said we can't put this anywhere but
8 through those trees, then there would be a
9 direct effect to those two properties or there
10 would be a direct effect to the cultural
11 landscape?

12 A (Widell) Yes. But it's unlikely that New
13 Hampshire Department of Transportation would
14 allow that to happen.

15 Q Understood. But it's a possible, it's a
16 potentiality. Unlikely but it's a potential.
17 And, again, we don't at this point know the
18 final design of the engineering for the Project.
19 So we can't say with a hundred percent certainty
20 where the line is going to be buried along this
21 route, correct?

22 A (Widell) Yes. The design has not been
23 finalized.

24 Q And if we flip back to page 2, again, you've

1 made similar findings here as to the last
2 cultural landscape where you find that there are
3 features within the direct APE, but you state
4 direct effects on these features will be avoided
5 by Project design and that any disturbed areas
6 will be restored to preconstruction conditions.

7 A (Widell) Yes.

8 Q And again, you find no visual diminishment of
9 integrity.

10 A (Widell) Yes.

11 Q And because of those two findings that, you're
12 finding that there will be no direct effect to
13 the features within the APE and no visual impact
14 you've identified or you and Preservation
15 Company have identified no adverse effect for
16 this cultural landscape, right?

17 A (Widell) Yes.

18 Q And the same issue with regard to vibration for
19 this landscape as well? Because it's an
20 underground section, correct?

21 A (Widell) I do not believe that we thought that
22 there would be any vibration. It's not
23 specifically referenced but should that arise,
24 yes.

1 Q On page 7 you do reference this specifications
2 from DOT for the Section 211 vibration.

3 A (Widell) Yes. Thank you. It's in a different
4 place. Thank you.

5 Q Not a problem. So safe to say this, the
6 assessment of effects here and the potential
7 impacts or lack thereof in your opinion are
8 similar to the Ham Branch Cultural Landscape
9 because it's also undergrounded?

10 A (Widell) Yes.

11 Q And it's the same set of assumptions or findings
12 that lead you to that outcome?

13 A (Widell) Yes.

14 Q Okay. Let's now turn to the Pemigewasset Study
15 Area which included two identified cultural
16 landscapes, the first being the Franklin Falls
17 Dam/Hill Village Cultural Landscape.

18 And so I'm showing you Table 2.1-A which is
19 part of Applicant's Exhibit 211. I believe this
20 would be in Volume 2 of the Pemigewasset
21 Cultural Landscape Study Report. And again,
22 this, it goes on to the next page going north,
23 but this identifies the area that is included in
24 the cultural landscape for the Franklin Falls

1 Dam/Hill Village Cultural Landscape, correct?

2 A (Widell) Yes.

3 Q In this case, that includes a few different
4 subsets of resources or features. In the south
5 we have the Franklin Falls Dam complex, and then
6 at the top of the page here we have both the Old
7 Hill Village and the New Hill Village area of
8 the landscape. Is that correct?

9 A (Widell) Yes.

10 Q And as I understand it, this landscape was in
11 part significant because of its history as an
12 area of flood control management?

13 A (Widell) Yes. It is.

14 Q And the Old Hill Village was a village that had
15 to be abandoned and a New Village created
16 because of the likelihood of it being flooded;
17 is that correct?

18 A (Widell) Yes.

19 Q Would you agree that this cultural landscape
20 also is significant because it has designed
21 features? In this case, the New Hill Village is
22 a designed village?

23 A (Widell) Yes. I believe it is significant under
24 Criteria A for community planning and design.

1 Yes.

2 Q Okay. And then also I believe it references in
3 the PAL report that there are designed
4 recreation areas within the designed landscape?

5 A (Widell) Yes.

6 Q Let's take a look at that. Is that what's
7 reflected here in the study report by PAL that
8 there are designed recreational areas,
9 landscapes?

10 A (Widell) Yes.

11 Q And then there's a list of them down at the
12 bottom of the highlighted section?

13 A (Widell) Um-hum.

14 Q And where the significance comes in part from
15 designed natural resources or recreational
16 areas, would you agree that views from those
17 recreation areas are character defining
18 features?

19 A (Widell) They may be, yes.

20 Q Would that apply generally to this entire
21 cultural landscape or at least portions of it
22 where there are views that are part of the
23 designed elements of the landscape?

24 A (Widell) Most likely related to the recreation,

1 yes. Not so much to the archeological values of
2 the Old Hill Village.

3 Q Okay. With regard to the Village, would you say
4 then that the setting is part of the character
5 defining feature?

6 A (Widell) Yes.

7 Q Okay. Now, we're looking at the Effects Table
8 for this cultural landscape, and that's part of
9 Applicant's Exhibit 196 B, and, again, this is a
10 little different for effects because it's an
11 aboveground section of the Project, correct?

12 A (Widell) Yes.

13 Q So we're not dealing with the 20-foot APE
14 anymore. We're dealing with a bigger APE, the
15 whole right-of-way width, and then a larger
16 indirect APE as well going out a mile to either
17 side of the right-of-way?

18 A (Widell) It's a mile on either side of the, yes,
19 the Project, yes.

20 Q Okay. Thank you. In this case, you again, you
21 and Preservation Company who created the Effects
22 Table came to the recommended finding of no
23 adverse effect for this cultural landscape?

24 A Yes. We did.

1 Q And is that largely because there's in your
2 opinion only limited visibility of the Project?

3 A (Widell) No. It is because the visibility does
4 not diminish the character, the significance of
5 the property in a way that it would make it no
6 longer eligible for the National Register.

7 Q Okay. In the column on the right here, in the
8 section about Visual Impacts, you say, "Although
9 there will be views of the Project from certain
10 locations in the cultural landscape, they will
11 be limited by topography, vegetation and
12 distance and will not be extensive enough to
13 diminish the cultural landscape setting for
14 landscape."

15 So when you say it doesn't diminish the
16 significance, that's because you found that the
17 views are of limited nature.

18 A (Widell) Yes, and the significance of the
19 property in this case, its primary significance
20 is related to the flood control project, the
21 dam, the new Hill town and the old Hill town and
22 yes, the recreational properties contribute to
23 that significance, but its primary significance
24 has to do with the Franklin Falls Dam.

1 Q You performed or let me ask it a different way.
2 There was viewshed mapping used to assess the
3 visual impacts to this cultural landscape; is
4 that correct?

5 A (Widell) Yes. We used viewshed mapping, yes.

6 Q And that viewshed mapping relies in part on
7 vegetative screening?

8 A (Widell) Yes.

9 Q Incorporates vegetative screening?

10 A (Widell) Yes.

11 Q I believe it states in your Effects Table that
12 you also used 3-D modeling to assess what may or
13 may not be visible from various places within
14 the cultural landscape.

15 A (Widell) Yes, and there was also some photo sims
16 in the back for Hill.

17 Q In addition, you relied in part on Mr. DeWan's
18 photo simulations?

19 A (Widell) Yes.

20 Q And visual assessment. So going back to the
21 viewshed mapping and the 3-D modeling, did that
22 modeling incorporate leaf-off conditions?

23 A (Widell) Could you repeat that? I want to make
24 sure I get the precise --

1 Q Certainly.

2 A Thank you. Sorry.

3 Q That's quite all right. Any time you need a
4 repetition, that's fine.

5 The question was in your 3-D modeling did
6 you take into account both leaf-on and leaf-off
7 conditions?

8 A (Widell) No. The 3-D modeling provides a tree
9 wall that is a conservative 40 feet. It is
10 possible certainly to see the Project without
11 that in the areas where forest area exists, but
12 we did not use that precisely to analyze and
13 come to our decision on no adverse effect for
14 this cultural landscape.

15 Q When you say didn't use "that," what's the
16 "that"?

17 A (Widell) Not including where there would have
18 been forested areas in our evaluation for view.

19 Q Okay. But you did use 3-D modeling to determine
20 whether there would be views from various
21 locations within the cultural landscape?

22 A (Widell) Yes.

23 Q And if I'm understanding what you just testified
24 to, the 3-D modeling incorporates a vegetated

1 tree wall?

2 A Yes.

3 Q Forty foot.

4 A (Widell) For where it is located. Where such a
5 forest occurs within the particular viewshed
6 that you are looking at, yes.

7 Q Okay. But it does not take into account
8 potential increased views that would occur in a
9 leaf-off condition. In the winter.

10 A (Widell) It would be possible only by not
11 including any forest characterization at all in
12 the 3-D modeling, and so, no, we did not include
13 no trees at all because that would not have been
14 an accurate depiction of what the landscape
15 actually showed.

16 Q I understand. With regard to the photo
17 simulations by Mr. DeWan, those were from
18 specific scenic resource locations within the
19 cultural landscape?

20 A (Widell) Yes, and they include leaf-off.

21 Q Yes, but Mr. DeWan's photo sims do not take into
22 account all the various locations within the
23 cultural landscape, correct?

24 A (Widell) No. They do not.

1 Q Right. And that's why you relied on the 3-D
2 modeling and general viewshed analysis in
3 addition to come to your conclusions?

4 A (Widell) Yes.

5 Q On page 3 you have a discussion of the New Hill
6 Village and down at the bottom paragraph,
7 highlight that. It states here that the New
8 Hill Village is itself a National Register
9 eligible-village. Is that correct?

10 A (Widell) Yes.

11 Q And it has approximately 110 contributing
12 buildings within it?

13 A (Widell) Yes.

14 Q Did your Visual Assessment take into account the
15 visibility from one each of those contributing
16 buildings?

17 A (Widell) No, not each of them, but where the
18 viewshed mapping showed that there might be
19 possible views we would have looked at that. I
20 would particularly point out also that the New
21 Hill Village was identified as a Historic
22 District in the Assessment Report that was
23 submitted to the SEC with the Application in
24 October of 2015. So we actually did an

1 evaluation, a visual evaluation for potential
2 adverse effects two years ago.

3 Q Is that what is referenced by the photo
4 simulations of Veterans Memorial Park that
5 Mr. DeWan did?

6 A (Widell) Yes.

7 Q That's one location within the Hill Village that
8 was deemed to have a scenic quality?

9 A (Widell) Yes. And they are separate. We also,
10 as I stated, previously looked at viewshed
11 modeling in the Hill Village to see if there was
12 any potential views as well.

13 Q I want to go back to the point you were just
14 making that the new Hill Village was assessed
15 individually at a different part of this
16 process. Does that, does the fact that there is
17 an individually eligible resource within the
18 cultural landscape change the impact on the
19 cultural landscape in any way?

20 A (Widell) No. No.

21 Q If an individually eligible resource within a
22 cultural landscape has an adverse effect, is it
23 the case that the cultural landscape will also
24 always have an adverse effect?

1 A (Widell) No, not necessarily. And let me help
2 clarify that. The direction on the document
3 that was provided by the Division of Historic
4 Resources in New Hampshire at the point where
5 these cultural landscape reports were being
6 committed or created is -- and before I tell you
7 the reason why Division of Historic Resources
8 provided some guidance on this is this is
9 absolutely new and innovative for New Hampshire
10 to have ever done or received or required
11 cultural landscapes. So they used a document
12 from 1999 that was done by Caltrans which is the
13 California Department of Transportation for
14 identifying and evaluating historic landscapes,
15 and in that there is some direction for how to
16 determine adverse potential adverse effects in
17 cultural landscapes.

18 Q Okay. Thank you for that.

19 A (Widell) Okay.

20 Q Can we go back to my question which was about
21 whether an adverse impact to an individually
22 eligible resource that is within a cultural
23 landscape would then necessarily result in the
24 cultural landscape having an adverse effect?

1 A (Widell) And I answered no. And the reason I
2 gave you more information is because in that
3 document, there's a very precise way that, well,
4 it's not very precise, but there is direction
5 for how to identify effects in cultural
6 landscapes.

7 Q And those directions for effects, if I'm
8 understanding where you're going, is that you
9 don't simply look at the individual effects to
10 individual resources within the cultural
11 landscape.

12 A (Widell) That is true.

13 Q Okay. Thank you. And for Franklin Falls Dam
14 Cultural Landscape, we talked a bit about the
15 designed recreation areas. I believe, well, I'm
16 not sure. Did you assess the visual effect on
17 those designed recreation areas within this
18 cultural landscape?

19 A (Widell) Yes. We took it into consideration,
20 and I think that it's discussed in the
21 relationship with the Project to the property.

22 Q And ultimately, you found there was not a
23 significant visual impact?

24 A (Widell) Yes. That's correct.

1 Q Not enough to create an adverse effect?

2 A (Widell) Yes.

3 Q Okay. I'd like to take a quick look at the
4 other cultural landscape within the
5 Pemigewasset Study Area. I apologize. I have
6 an incorrect reference in my notes.

7 Based on your recollection, and you
8 probably have the document in front of you, the
9 Route 3 Franconia Notch Cultural Landscape runs
10 from -- there we go. Just north of the
11 Franconia Notch area of I-93 and then all the
12 way down into the town of Woodstock. Is that
13 correct?

14 A (Widell) Yes.

15 Q And with regard to this cultural landscape, the
16 Project only impacts a small portion of the
17 cultural landscape where it comes into the town
18 of Woodstock off of Route 112?

19 A (Widell) Yes. Basically Woodstock Town Hall,
20 yes.

21 Q Then it runs south about a mile within the
22 cultural landscape?

23 A (Widell) Um-um.

24 Q So this particular cultural landscape has a

1 relatively small relation to the Project.

2 A (Widell) Yes.

3 Q Because of that, in your Effects evaluation, you
4 ultimately found no adverse effect?

5 A (Widell) Yes, but it wasn't necessarily because
6 it was a small area. We looked carefully at the
7 potential for adverse effects.

8 Q And in this location it's underground Project,
9 correct?

10 A (Widell) Yes.

11 Q So this is similar to the Ham Branch and Gale
12 River landscapes?

13 A (Widell) Yes. It is.

14 Q Where because you found that all direct effects
15 will be avoided by Project design and that there
16 will be no indirect visual effects that there's
17 no adverse effect to the --

18 A (Widell) Yes. That's correct.

19 Q And I wanted to just touch on one piece here.
20 If we go to page 4. One of the resources that's
21 a contributing resource to this cultural
22 landscape is also an eligible resource that's
23 the Montaup cabins, is that right?

24 A (Widell) Yes.

1 Q I guess one of the cabins is shown here in your
2 Table of Properties that have encroachments in
3 the direct APE as being the facade of a cabin, a
4 resurfaced sidewalk with old granite curbing and
5 a fire hydrant are within the APE, correct?

6 A Um-hum.

7 Q So in this case, you've separately assessed the
8 Montaup cabins as a historic resource, correct?

9 A (Widell) Yes. An Inventory Form was completed
10 on that Project, yes, and determined eligible.
11 Individually. Yes.

12 Q Is that an Effects Table for that individual
13 resource as well?

14 A (Widell) No. Not individually for that historic
15 property.

16 Q Okay. So to the extent that it's shown in my
17 Effects Table, it's part of this cultural
18 landscape?

19 A (Widell) I believe that's correct. Yes.

20 Q In this case, one piece of that resource is
21 within the direct effect APE?

22 A (Widell) Yes.

23 Q And your assumption is that direct effects will
24 be avoided for that?

1 A (Widell) Yes.

2 Q Let's turn to the Great North Woods which is
3 another of the study areas. Okay. So this is
4 Figure 5-1 of the cultural landscape study for
5 the Great North Woods, and this is in Volume 1
6 of that portion of Applicant's Exhibit 211. And
7 this shows the large study area of the blackout
8 line and then the four individual cultural
9 landscapes that were identified within the study
10 area, correct?

11 A (Widell) Yes.

12 Q And those are the Mount Prospect-Martin Meadow
13 Pond Cultural Landscape, the Lost Road Lost
14 Nation Road Cultural Landscape, the Upper
15 Ammonoosuc Cultural Landscape and the Harvey
16 Swell Cultural Landscape, correct?

17 A (Widell) Yes.

18 Q And that stretches through the North Country
19 portion of the Project which is mostly
20 aboveground but there are some smaller sections
21 of undergrounding, correct?

22 A (Widell) Could you repeat that? I'm sorry.

23 Q Yes. This portion of the Project is mostly
24 aboveground?

1 A Yes.

2 Q Except for a stretch?

3 A Yes. There is a stretch up on the extreme north
4 and also Dummer.

5 Q Okay. So now we have our orientation.

6 A (Widell) I'm wrong about that. I'm sorry. The
7 extreme north part.

8 Q Let's take a look at the Mount Prospect-Martin
9 Meadow Pond Cultural Landscape specifically.
10 And that's shown here in Figure 2-1 from, it's
11 Volume 2 of the Great North Woods Study Area
12 Report. And this cultural landscape encompasses
13 Prospect Mountain and Weeks State Park and also
14 moving to the east the Martin Meadow Pond; is
15 that correct?

16 A (Widell) Yes. It is.

17 Q And again, the map shows a number of
18 contributing resources within the cultural
19 landscape, correct?

20 A (Widell) Yes.

21 Q This is another, this is page 56 of this same
22 document, and it states that only 27 percent of
23 the landscape lies within the APE for this
24 cultural landscape, correct?

1 A (Widell) Yes.

2 Q And so most of the landscapes outside of the
3 APE.

4 A (Widell) Yes. That's true.

5 Q Okay. We'll go to the Effects Table. In this
6 case, the ultimate finding here, recommended
7 finding, rather, is that there is an adverse
8 effect for this cultural landscape, correct?

9 A (Widell) Yes. For the Weeks State Park part of
10 the cultural landscape, yes.

11 Q Well, am I incorrect to say that there's an
12 adverse effect on the cultural landscape as a
13 whole?

14 A (Widell) That is to be determined by the DOE in
15 consultation with DHR.

16 Q But it's your recommended finding?

17 A (Widell) Our recommended finding is that there
18 is an adverse effect on the Weeks State Park
19 portion of the cultural landscape.

20 Q On the Effects Table, it uses the words
21 primarily with respect to the portion of the
22 cultural landscape comprising part of Weeks
23 State Park.

24 A (Widell) Yes.

1 Q So would it be correct to say that not all of
2 the impacts or adverse effects are on Weeks
3 State Park within the cultural landscape but
4 most of them are?

5 A (Widell) No. The adverse effect is within Weeks
6 State Park which is a portion of the cultural
7 landscape.

8 Q Okay. So let's look above that at your
9 description of the visual effects. Down, this
10 is the box in the middle of the page on the
11 left-hand column, and in the middle it says the
12 locations from which it, being the Project, will
13 potentially be in view include several historic
14 farmsteads that are in the APE and Mount
15 Prospect in Weeks State Park just outside the
16 APE. So is it your testimony here that while
17 you're referencing historic farmsteads having a
18 potential visual impact, it's only the adverse
19 effect to Weeks State Park that is creating an
20 adverse effect for the cultural landscape as a
21 whole?

22 A (Widell) Yes. And I, once again, it is
23 primarily the Weeks State Park and the
24 determination whether it's an adverse effect to

1 the cultural landscape as a whole because this
2 is a very new type of resource is under the
3 Section 106 process the federal agency, in this
4 case DOE, in consultation with the DHR to
5 determine.

6 Q Again, in this case Weeks State Park is itself
7 listed as on the National Register, correct?

8 A (Widell) No.

9 Q Sorry, the estate is.

10 A (Widell) The estate which is about 2.9 acres and
11 is the very top of Mount Prospect, but Weeks
12 State Park is in its own right a designed
13 cultural landscape. And two years ago when we
14 submitted the Application to SEC we identified
15 Weeks State Park as a designed cultural
16 landscape and indicated at that time that it had
17 an adverse effect from the Project.

18 Q Okay. So just so I'm clear, the Weeks Estate is
19 listed, but does not have an adverse effect by
20 itself?

21 A (Widell) Yes. That's correct.

22 Q And Weeks State Park has been deemed eligible
23 through this process, at least been recommended
24 to be eligible, and there is an adverse effect

1 to Weeks State Park by itself?

2 A (Widell) Yes.

3 Q And that's due to, I think, what you call, maybe
4 you don't, but there's significant views from
5 particular viewpoints within Weeks State Park
6 that are of concern?

7 A (Widell) Yes. At the east overlook and there's
8 a lot of discussion about that.

9 Q Yes. So what I want to understand is your
10 distinction that this recommendation is for an
11 adverse effect in your Effects Table for the
12 Mount Prospect-Martin Meadow cultural landscape
13 as a whole, but you seem to be making a
14 distinction that perhaps only Weeks State Park
15 individually will have an adverse impact.

16 A (Widell) Yes.

17 Q And not the cultural landscape.

18 A (Widell) Yes. But as I said, this is a new form
19 of resource in New Hampshire, and the DOE in
20 consultation with DHR would determine that.

21 Q Would you agree that Weeks State Park was
22 included in this cultural landscape as
23 associated with the other features?

24 A (Widell) Yes.

1 Q So the cultural landscape couldn't be chopped up
2 to exclude Weeks State Park, could it?

3 A (Widell) What do you mean by chopped up? Are
4 there other --

5 Q I can rephrase.

6 A -- other properties that are significant,
7 clearly the estate which is listed on the
8 National Register as an individual property
9 that's listed. Then I would, once again, go
10 back to the original Application to the SEC
11 where I believe, and I can give you precisely
12 the different properties that were identified.
13 Their significance and integrity was assessed
14 and whether there would be an adverse effect
15 from the Project was done for at least five or
16 six of those properties individually. So those
17 homesteads that are talked about that are
18 related to Weeks Heritage had been evaluated two
19 years ago in our assessment form as was, as we
20 stated, individually the Weeks State Park. So
21 in many ways we did look at a number of
22 contributing elements to the cultural landscape
23 over two years ago.

24 Q And I understand that. But in this case, PAL

1 has identified this entire landscape as a
2 cultural landscape, correct?

3 A (Widell) Yes.

4 Q And if I understand what you're saying, it's
5 unclear to you given that this is sort of a new
6 thing for New Hampshire whether the whole
7 landscape as identified will have an adverse
8 effect or whether it could be limited only to
9 the subset of the landscape which is Weeks State
10 Park.

11 A (Widell) No. I wouldn't use the words unclear.
12 I think because it is a new resource type that
13 it is incumbent upon the federal agency and the
14 DHR to participate in determining how to apply
15 the guidance in that guidance document that I
16 indicated to you. We believe we have applied it
17 to determine the effect on this particular
18 cultural landscape in a thorough and responsible
19 way.

20 Q And your conclusion was an adverse effect.

21 A (Widell) For that portion of the cultural
22 landscape, yes.

23 Q Well, we're talking around in circles, I think,
24 but we'll leave it there.

1 Maybe we can come at it from a different
2 angle. If Weeks State Park is a component of
3 the larger cultural landscape, and there's an
4 adverse impact to Weeks State Park, does the 106
5 process view those as two separate resources
6 even though they overlap to some extent? In
7 other words, you're reviewing or assessing
8 effects to both Weeks State Park individually
9 and to the cultural landscape which includes
10 Weeks State Park.

11 A (Widell) The Weeks State Park would be
12 considered an important contributing element to
13 the cultural landscape.

14 Q And so if there's an adverse effect that
15 diminishes its significance, would that also
16 diminish the significance of the entire cultural
17 landscape? Or its integrity maybe is a better
18 word.

19 A (Widell) It diminishes the significance of that
20 particular contributing element.

21 Q If you diminish the significance of multiple
22 contributing elements, does it diminish the
23 significance of the entire cultural landscape?

24 A (Widell) Yes. It would.

1 Q Is that then, can that be reduced to if it
2 diminishes the significance of one contributing
3 element does that diminish the significance of
4 the entire cultural landscape?

5 A (Widell) Not necessarily.

6 Q Okay. Let's turn to the North Road Lost Nation
7 Road Cultural Landscape. If you could flip
8 that. Again, this is Figure 2-1 from, I think
9 we're now in Volume 3 of the Great North Woods
10 Cultural Landscape Study which is part of
11 Applicant's Exhibit 211. And this map shows the
12 outline of the cultural landscape for North
13 Road/Lost Nation Road, and in particular in the
14 yellow or orange-ish color it highlights the
15 North Road Agricultural Historic District which
16 is a portion of the North Road Lost Nation Road
17 cultural landscape; is that correct?

18 A (Widell) Yes.

19 Q Again, we're going to have the same kind of
20 dilemma of understanding the relationship
21 between the North Road Agricultural Historic
22 District and the broader North Road Lost Nation
23 Road cultural landscape as we did with Weeks
24 State Park. Because North Road Agricultural

1 Historic District has been determined eligible
2 previously?

3 A (Widell) Yes, it has.

4 Q And am I correct that the adverse effects that
5 you've found for this cultural landscape are
6 primarily limited to the North Road Agricultural
7 Historic District?

8 A (Widell) Yes.

9 Q So similar to the last one, we have adverse
10 effects to one portion of the cultural
11 landscape, and in this case rather than saying
12 it's primarily, you say but only with respect to
13 part of the cultural landscape. You seem to be
14 making a more, a stronger statement in this
15 cultural landscape that the adverse effects are
16 only to one of the components of the landscape
17 rather than to the landscape as a whole.

18 A (Widell) Yes, and that's probably because the
19 Grange Village and Lost Nation portions of the
20 cultural landscape have basically no visual
21 relationship whatsoever with the Project.

22 Q I believe for the Mount Prospect-Martin Meadow
23 Pond Cultural Landscape, you made the same
24 statement.

1 A (Widell) Yes, there was. But there is some
2 visual relationship with some other portions of
3 the Mount Prospect-Martin Meadow Cultural
4 Landscape.

5 Q Okay. Can you just put up 83135? Again, this
6 is the Effects Table as part of Applicant's 196
7 B for the North Road/Lost Nation Road Cultural
8 Landscape.

9 I think the discussion we had about the
10 Mount Prospect-Martin Meadow Pond Landscape
11 would apply similarly here, correct? This
12 adverse impact to the North Road Agricultural
13 Historic District is an adverse impact to one of
14 the components of the larger cultural landscape,
15 but you are making a determination that the
16 adverse effect should be limited to the Historic
17 District.

18 A (Widell) Yes.

19 Q Then so if that's the case, should the cultural
20 landscape not be considered a separate resource?

21 A (Widell) No.

22 Q If it is its own historic and cultural resource,
23 and there's an adverse effect to a large
24 component of that landscape, isn't there an

1 adverse effect to the cultural landscape as a
2 whole?

3 A (Widell) As I indicated, this is a new form of
4 resource for consideration in New Hampshire and
5 the federal agency in consultation with the DHR
6 needs to determine that based on the guidance
7 that they have provided, and once again, an
8 indication that the North Road agricultural
9 Historic District was identified over two years
10 ago and submitted as part of the Application to
11 the SEC, and it was indicated at that time that
12 we believed that it would be an adverse effect
13 visually caused by the Northern Pass Project.

14 Q But we don't know yet what DOE and what DHR's
15 final determination will be on the cultural
16 landscape as a whole in that respect?

17 A (Widell) No, we do not.

18 Q Let's skip ahead to the Upper Ammonoosuc River
19 Cultural Landscape. In this case, again, this
20 is Map or Figure 2-1, which is Volume 4 I think
21 we're in now of the Great North Woods Cultural
22 Landscape Study, and this shows the outline of
23 the Upper Ammonoosuc River Cultural Landscape
24 which kind of stretches from the western part of

1 Dummer over to Stark along Route 110. Is that
2 right?

3 A (Widell) Yes.

4 Q In this case, the cultural landscape
5 incorporates five specific identified Historic
6 Districts?

7 A (Widell) Yes.

8 Q Those are listed here on the map and also
9 discussed in your Effects Table. In this case
10 you also found an adverse effect for this
11 cultural landscape; is that correct?

12 A (Widell) Yes.

13 Q And this case was a little different because you
14 say in the middle of, so we're on Applicant's
15 Exhibit 196 B, and it's the Effects Table for
16 the Upper Ammonoosuc River Cultural Landscape,
17 and on page 2 you have your chart, and in the
18 middle you state for visual impacts that
19 although there will be views of the Project from
20 certain locations in the cultural landscape,
21 they will be limited by topography, vegetation
22 and distance. But then you go on to find an
23 adverse effect due to visual impacts, and it
24 says primarily with respect to the Ammonoosuc

1 River crossing Northside Road and including a
2 view from Route 110/Stark Road toward the
3 Project in the center of the cultural landscape;
4 is that correct?

5 A (Widell) Yes.

6 Q So in this case there are only a couple
7 locations with prominent views of the Project?

8 A (Widell) Yes.

9 Q But those views were significant enough to cause
10 an adverse effect to the entire cultural
11 landscape?

12 A (Widell) No. Once again it is primarily in
13 those areas.

14 Q Are those two areas individually historic
15 resources?

16 A (Widell) The Northside Road District was
17 identified over two years ago by Preservation
18 Company and myself as a Historic District, and
19 was included in the Application to the SEC as an
20 adverse effect. DHR determined that the
21 property was not significant enough to have its
22 own inventory form completed but did want it
23 included, and it was included in the cultural
24 landscape. So it is a contributing element as

1 part of the cultural landscape. The other
2 parcel has no historic properties on it. It is
3 an open field.

4 Q Okay. So we have one open field that's not a
5 historic property, and we have one historic
6 district that lacked significance by itself.

7 A (Widell) In the estimation of DHR, yes.

8 Q Okay. And the visual impact to those two
9 portions of the cultural landscape which are not
10 by themselves historic resources was significant
11 enough to have an adverse effect here, but your
12 opinion or your testimony is that that adverse
13 effect doesn't apply to the entire cultural
14 landscape.

15 A (Widell) Once again, it is a new resource and
16 the Department of Energy and the New Hampshire
17 Division of Historic Resources will deliberate
18 on our findings and information.

19 Q So we'll find out later from them.

20 If you carve out these two locations from
21 the cultural landscape, am I correct to say that
22 you couldn't have an adverse effect because they
23 are not individually historic resources?

24 A (Widell) Let me make sure I understand. If you

1 took, say, parcel 41115 and it were not part of
2 an identified resource such as a cultural
3 landscape, could you find it individually
4 eligible for the National Register and then
5 therefore have an adverse effect? No. You
6 could not.

7 Q Right. Because in the parlance of the Section
8 106 process, you cannot have an adverse effect
9 unless there's a resource that's been identified
10 as eligible, correct?

11 A (Widell) That's correct.

12 Q And these are not, these two locations or areas
13 are not, have not been identified as eligible
14 resources.

15 A (Widell) That's correct.

16 Q Okay. So jumping to the next cultural
17 landscape, this is Harvey Swell Cultural
18 Landscape, and we're looking at Figure 2-1 from
19 Volume 5 of the Great North Woods Cultural
20 Landscape Study Report which is part of
21 Applicant's Exhibit 211. And this map shows the
22 outline of the Harvey Swell landscape which is
23 primarily except for the very northern tip in
24 Colebrook; is that correct?

1 A (Widell) Yes.

2 Q And the primary land use here is agricultural
3 land?

4 A (Widell) Yes, it is.

5 Q Depicted in green. And this cultural landscape
6 is a rural landscape showing the history of
7 agricultural --

8 A (Widell) Definitely, yes.

9 Q So that is, the primary significance is for
10 agricultural history, I guess you'd say?
11 I'm sorry. I didn't hear an answer.

12 A (Widell) Yes.

13 Q Just for the record. I saw you nod.

14 And in this case, would you agree that most
15 of the landscape is outside the APE?

16 A (Widell) Yes. Most of it is outside of the APE.

17 Q And this section is an aboveground section of
18 the Project, correct?

19 A (Widell) Yes. There is. There is a small
20 portion that is in close proximity that is
21 underground, but --

22 Q But outside?

23 A (Widell) Yes.

24 Q So in your effects assessment, the only box that

1 you filled in was the one relating to visual and
2 atmospheric or audible elements?

3 A (Widell) Yes.

4 Q And your finding was that there's some views but
5 they're limited in nature due to topography,
6 vegetation and distance and will not diminish
7 the property setting or landscape, correct?

8 A (Widell) Yes. There's more specifics elsewhere
9 in the Effects Table, but that is an excellent
10 summary.

11 Q It was your summary, right?

12 A (Widell) Yes.

13 Q Indeed, here on page 5 you speak with viewshed
14 mapping to show that there's not a lot of views.
15 But what I want to draw your attention to is the
16 second sentence at the top, in the top
17 paragraph, where you say, "However, based on 3-D
18 modeling there will likely not be views of the
19 Project from the primary publicly accessible
20 locations in this area along Bear Rock Road."

21 Is it important to your assessment that
22 there be public accessible locations for views?

23 A (Widell) No. It's possible to find adverse
24 effects in areas that are not public.

1 Q Okay. But here you're saying that their views
2 are screened for the primarily public accessible
3 locations.

4 A (Widell) Yes.

5 Q Is that a part of your assessment for finding no
6 adverse effect for this cultural landscape?

7 A (Widell) It was for this cultural landscape,
8 yes.

9 Q The lack of publicly accessible views was part
10 of your consideration?

11 A (Widell) You'll see that we, although we did 3-D
12 modeling for the fields that are in the area
13 that extends northward in this cultural
14 landscape and are closest to the APE so those
15 are not public, but we considered them as well.

16 Q Okay. So this comment doesn't restrict or
17 doesn't, the fact that there's not public
18 accessible views didn't determine the outcome of
19 this assessment?

20 A (Widell) That's correct.

21 Q Okay. Just a comment that you included in the
22 description.

23 Just for reference, you included the
24 viewshed mapping in a number of these Effects

1 Tables, but I'll show this particular one. The
2 APE is at the top there, the dotted purple line,
3 and your assessment is that while there are
4 large areas of potential views, the 3-D modeling
5 found that those would be screened?

6 A (Widell) Yes and no. The area closest to the
7 area that's within the area of potential effect,
8 the northmost portion of the cultural landscape,
9 the aboveground portion of the Project will be
10 in a forested area. There may be as stated
11 elsewhere in the Effects Table possible views of
12 the very top portions of the structures, but
13 what we found was most of this visibility was
14 coming from three miles away where the Project
15 goes up Sugar Hill in that area. The topography
16 actually slopes downward and then back upwards.
17 So when we say topography in this location,
18 truly that is part of why the visibility is less
19 than it might immediately appear to be.

20 Q Okay. Thank you. Let's round out the review
21 here, and go to the Suncook River Valley Study
22 Area which was the fourth of 5. We're going to
23 skip over Deerfield because there was no
24 cultural landscapes identified there.

1 The Suncook River Valley Study area ran
2 through Epsom, Pembroke and Allenstown along the
3 Suncook River; is that correct?

4 A (Widell) Yes.

5 Q That's shown on Figure 5-1 here from the Suncook
6 River Valley Study Area Report.

7 A (Widell) Um-hum.

8 Q And there are two separate cultural landscapes
9 identified as in or adjacent to the APE. Short
10 Falls Cultural Landscape and the Buck Street
11 Batchelder Road Cultural Landscape, right?

12 A (Widell) Yes.

13 Q So now I'm showing figure or I guess it's a map
14 from the Effects Table in Applicant's Exhibit
15 196 B for the Short Falls Cultural Landscape.
16 And it shows the outline of the cultural
17 landscape, and you can see Suncook River
18 squirming around in the middle there.

19 The actual Effects Table, in this case for
20 Short Falls Cultural Landscape, the
21 determination was a recommended finding of "no
22 adverse effect," correct?

23 A (Widell) And you just moved the map. I think
24 that map is very important and conveys one of

1 the important reasons why, and that is that only
2 1.8 acres of the entire cultural landscape is
3 even in the area of potential effect, and the
4 portions completely around it are forested. So
5 there is no potential for any visual effect to
6 the cultural landscape or obviously direct
7 effects either.

8 Q You state here in the Effects Table that there
9 are no views of the Project from the cultural
10 landscape within the one-mile Project APE, and,
11 therefore, the Project will not introduce
12 individual elements that will diminish the
13 setting or landscape.

14 Did you consider the visibility of the
15 Project outside of the APE?

16 A (Widell) We certainly looked at the viewshed
17 mapping for the cultural landscape. Yes.

18 Q Okay. But in this Effects Table you don't
19 actually discuss that. If you skip to page 4.
20 The last statement here with regard to
21 visibility simply says because the Project will
22 not be within view in the one-mile APE for
23 indirect effects in the Short Falls Cultural
24 Landscape, there will be no effect on the

1 cultural landscape.

2 A (Widell) If you look further in this Effects
3 Tables, I'm sure you would see that the viewshed
4 mapping, both that of T.J. Boyle and DeWan were
5 included as well.

6 Q Yes, but you don't describe them in this part of
7 the Effects Table. You just come to the
8 conclusion because there's no view in the APE,
9 there's no visual impact or adverse effect?

10 A (Widell) You asked me if we considered the
11 viewshed mapping, and we absolutely did.

12 Q Okay. Would you agree then that to the extent
13 there are views outside of the APE that they
14 could, it is possible for views from outside the
15 APE to diminish the significance of a cultural
16 landscape?

17 A (Widell) Yes. Definitely. I think Weeks State
18 Park is an excellent example of that. The Weeks
19 State Park and the Weeks Estate are a quarter of
20 a mile outside of the area are of potential
21 effects. So I think consistently we have
22 considered that.

23 Q Okay. Then the last cultural landscape that was
24 identified as the Buck Street-Batchelder Road

1 Cultural Landscape which is shown in this map
2 which is part of the Effects Table. Page 6. Do
3 you see that?

4 A Yes. I'm trying to find my copy of it.

5 Q And this cultural landscape is located within
6 Pembroke and about oh, I don't know, a
7 quarter-ish, a third maybe is within the APE?

8 A (Widell) I believe it's 28 percent.

9 Q Okay. That sounds like a quarter to a third.
10 Again, in this case you found no adverse effect
11 because of the limited views within the cultural
12 landscape, correct?

13 A (Widell) Yes. Not, that's not the only reason.
14 I think also there's discussion of Route 28 and
15 the fact that it was placed into the landscape
16 in the 1950s and is not considered a
17 contributing element. There's also new
18 construction in the area that already affects,
19 modern intrusion already affects the views
20 within portions of the cultural landscape that
21 are in the area of potential effect.

22 Q But despite those modern intrusions, there's
23 still enough significance and integrity for the
24 cultural landscape to be identified and assessed

1 in this case?

2 A (Widell) Yes.

3 Q Okay. I want to just take a quick look at one
4 of the contributing features here which is the
5 Montminy Farm and Country Store which there is a
6 photo simulation for which is page 19.

7 As I understand it, at the time you filed
8 your Direct Testimony with the Application you
9 had originally identified this as a potential
10 historic resource.

11 A (Widell) Yes.

12 Q And at that time also deemed that there was an
13 adverse effect to that resource?

14 A (Widell) Yes, we did.

15 Q And at some point subsequently I assume DHR
16 determined that it was not significant?

17 A (Widell) Yes. They did not indicate they wanted
18 an inventory form for that so none was done, but
19 it is included in the cultural landscape.

20 Q Yes. It's one of the contributing resources or
21 features of the cultural landscape?

22 A (Widell) Which it is mentioned, yes, within the
23 boundary.

24 Q And you found initially that there is a

1 significant effect or an adverse effect to that
2 resource or this property, let's call it, but
3 that effect is not significant enough in your
4 opinion to create an adverse effect to the
5 entirety of this cultural landscape; is that
6 fair?

7 A (Widell) Or even a portion of it. Yes. Large
8 landscapes may have a greater ability than small
9 properties to absorb change. I think this is an
10 example of that.

11 Q This portion of the line is not only visible
12 from this corner, is it?

13 A (Widell) No. It is visible throughout this
14 particular property.

15 Q But is it limited to that property, the
16 visibility?

17 A (Widell) It is, we did an assessment of
18 Batchelder Farm. I would have to refresh my
19 memory on its visibility from that particular
20 property.

21 Q Would you agree that in contrast to the Upper
22 Ammonoosuc River Cultural Landscape where there
23 was a significant visual impact to a feature
24 that was not individually eligible, this is a

1 similar situation, but in your opinion it's not
2 a significant enough impact to create an adverse
3 effect for the cultural landscape or this
4 portion of the cultural landscape?

5 A (Widell) Yes.

6 Q Okay. All right. So we have identified ten
7 cultural landscapes and you've found three of
8 those to have an adverse effect. And two of
9 those adverse effects you've indicated are
10 limited to subportions of the cultural
11 landscape; is that fair?

12 A (Widell) Yes. I think all three of them
13 actually are a portion of the cultural
14 landscape, yes. Primarily, yes.

15 Q There were, so there are ten that were assessed
16 here. There were other cultural landscapes
17 identified for future study that were not
18 assessed?

19 A (Widell) Yes.

20 Q And those were not assessed because they were
21 outside of the APE?

22 A (Widell) Yes.

23 Q And we're going to look quickly at a portion of
24 the Great North Woods Study Area or Study Report

1 which is part of the Applicant's Exhibit 211.
2 This is Figure 5-2 on page 73 and it's showing
3 the four potential cultural landscapes that are
4 outside of the APE; is that correct?

5 A (Widell) Yes.

6 Q Would you agree with me based on this map that
7 all four of those cultural landscapes are within
8 3 to 5 miles of the Project?

9 A (Widell) I don't know. There is not a --

10 Q Well, there's a scale at the bottom.

11 A (Widell) It appears that they might be. Yes.

12 Q And would you agree that there's a potential for
13 some visibility of the Project from within those
14 cultural landscapes?

15 A (Widell) No. Not that would have an adverse
16 effect to a historic property.

17 Q And what's the basis for that statement?

18 A (Widell) The area of potential effect that's
19 been established was established for this
20 particular undertaking in 2013 by the Department
21 of Energy in consultation with the Division of
22 Historic RESOURCES, and that's on one mile
23 either side of the Project.

24 Q But you testified earlier that some views

1 outside of the APE can be significant and can
2 have an adverse effect such as the Weeks State
3 Park.

4 A (Widell) We were directed specifically in the
5 discussion of the APE by DHR in the
6 identification process to look at properties
7 that are just immediately adjacent, may be
8 connected to other resources within the area of
9 potential effect and Weeks State Park certainly
10 fulfills that in our judgment.

11 Q I understand that. That wasn't quite what my
12 question was. I didn't ask if you should have
13 studied these other cultural landscapes. I
14 simply asked if there is the potential for
15 visibility of the Project from the cultural
16 landscapes, and --

17 A (Widell) I'm not, I can't tell you precisely
18 that. It would depend on topography and all
19 sorts of things. I cannot amend --

20 Q So you don't know is the answer.

21 A I do not know.

22 Q Fair enough. If you were to look at the map
23 that I'm showing you which is part of the Final
24 EIS which is Applicant's Exhibit 205, I believe

1 it's from one of the technical reports actually,
2 this map shows areas of potential visibility of
3 the Project, correct?

4 A (Widell) It says Cumulative Scenic Impact.

5 Q Okay. I'll represent that that means potential
6 visibility for the purpose of this discussion at
7 least.

8 Are you able to identify areas where the
9 cultural landscapes that we just talked about,
10 the four that were outside of the APE are
11 located?

12 A (Widell) No. Not really.

13 Q Okay. Would you agree, do you see Lancaster
14 there in the middle of the page?

15 A (Widell) Yes.

16 Q And off to the left of Lancaster is the
17 Connecticut River? Did you see that? That's
18 the border of the state?

19 A (Widell) Yes.

20 Q And do you recall that the Connecticut River
21 Valley Cultural Landscape or maybe it's just the
22 Connecticut River Cultural Landscape is in that
23 vicinity to the west of Lancaster along the
24 Connecticut River?

1 A (Widell) Honestly, I'd have to compare the two
2 maps. I'm sorry.

3 Q Okay. I will leave it here just to say that, we
4 don't need to do a full comparison, but based
5 on, if you accept my statement that that is the
6 location of the Connecticut River Cultural
7 Landscape, would you agree that there are shades
8 of purple in that area?

9 A (Widell) There are shades of purple in a portion
10 of this map on the left-hand side of the map
11 which is the Connecticut River.

12 Q Fair enough. And you have not assessed
13 potential impacts to those other cultural
14 landscapes because you weren't directed to
15 because they're outside of the APE, correct?

16 A (Widell) No. In evaluating cultural resources,
17 under those Section 106 process, you are always
18 looking at properties that are on or eligible
19 for the National Register within the established
20 APE for the undertaking, yes.

21 Q And because these four cultural landscapes are
22 outside of that APE, you were not required to
23 assess effects in them, in those cultural
24 landscapes, correct?

1 A (Widell) No. That's not true. We absolutely
2 assessed the effects of the portions of those
3 cultural landscapes that were within the APE and
4 immediately adjacent to.

5 Q Yes, I think we're talking past each other.

6 A Okay.

7 Q I'm talking about the four cultural landscapes
8 that were outside of the APE that were
9 recommended for future study.

10 A (Widell) I'm sorry. I misunderstood your
11 question.

12 Q That's okay.

13 A (Widell) So you are asking me whether you would
14 evaluate the four cultural landscapes that are
15 outside of the APE for adverse effects from this
16 Project? No.

17 Q You weren't required to do that because they're
18 outside of the APE, correct?

19 A (Widell) It doesn't have to do with requirement.
20 It is not, in my professional experience you
21 would not do that as part of the evaluation of
22 effects on historic resources that might be
23 affected by this Project.

24 Q I believe that is a yes more or less so we'll

1 leave it there.

2 A (Widell) Okay.

3 Q With your Supplemental Testimony which I believe
4 is Applicant's Exhibit 95, you had an Attachment
5 2 which was this chart and this was your list of
6 adverse effects, correct?

7 A (Widell) Yes, and in my beginning remarks I
8 indicated that I had added one.

9 Q Correct. And is the added adverse effect the
10 Upper Ammonoosuc Cultural Landscape?

11 A (Widell) Yes, it is.

12 Q You added that one. You did not add the North
13 Road-Lost Nation Road Cultural Landscape
14 because, as I understand it, your position is
15 the only adverse effect is the portion of that
16 cultural landscape which is the North Road and
17 Grange Historic District which is listed here
18 already, right?

19 A (Widell) It's already on my list of adverse
20 effects, yes.

21 Q And that's based, and you don't include the
22 broader cultural landscape as an additional
23 adverse effect because you've limited your
24 recommendation to just the portion that's

1 already on your chart.

2 A (Widell) Yes. I do not believe there is an
3 adverse effect to that portion of that cultural
4 landscape.

5 Q And the same thing would go to the Mount
6 Prospect-Martin Meadow Pond Cultural Landscape
7 which you have incorporated the portion of that
8 landscape that has the adverse effect here as
9 Weeks State Park?

10 A (Widell) Yes.

11 Q And that's why you've gone from 6 to 7 instead
12 of 6 to 9 adverse effects?

13 A (Widell) Yes. I believe that I've already
14 included that and both of those properties have
15 been on the list of adverse effects for over two
16 years. Or two years, approximately.

17 Q And I'm assuming, although I don't think you've
18 stated it yet, that the addition of the cultural
19 landscapes to your assessment and the adverse
20 effects that you've found don't change your
21 overall opinion of no unreasonable adverse
22 effect from the Project?

23 A (Widell) Yes. That is correct.

24 Q And am I correct that Department of Energy and

1 Division of Historic Resources are still
2 reviewing these study recommendations and
3 Effects Tables?

4 A (Widell) Yes.

5 Q And we don't yet have a final determination of
6 either eligibility or adverse effects on those
7 cultural landscapes, correct?

8 A (Widell) Yes.

9 Q And I think when you submitted the Effects
10 Tables for the cultural landscapes, you also
11 submitted additional 42 Effects Tables at that
12 time. Were those resources that were within the
13 cultural landscapes or was that a broader set of
14 Effects Tables?

15 A (Widell) No. They were a broader set of Effects
16 Tables. They were a number of different Effects
17 Tables that were requested by DHR to be
18 completed. They varied from properties that
19 were outside of the APE to properties that were
20 in the underground portion of the Project.
21 Properties that were only significant because of
22 their engineering or architecture significance,
23 and, therefore, would not be affected by the
24 Project visually. Those are just some examples,

1 and there were some other in there, but I'm just
2 giving you kind of a --

3 Q Sure. Similar to the cultural landscape Effects
4 Tables, those additional 42 Effects Tables have
5 not yet been assessed by DOE and DHR; is that
6 correct?

7 A (Widell) They have not.

8 Q So we don't have a final determination on those,
9 either those 42 or the 10 cultural landscapes?

10 A (Widell) Yes. That's correct.

11 Q And it is possible that in reviewing the Effects
12 Tables and other study materials that DOE and
13 DHR could find additional adverse effects beyond
14 those that you've recommended?

15 A (Widell) It is possible.

16 Q And so sitting here today, the Committee nor the
17 Applicant does not have the final understanding
18 of the complete number of adverse effects that
19 may be caused by the Project.

20 A (Widell) No. I don't agree with that. I
21 believe that we have had an excellent idea of
22 the extent of the adverse effects of this
23 Project even as early as a couple of years ago.
24 As I have indicated in my testimony today, the

1 adverse effects that have been found throughout
2 the study of these cultural landscapes in the
3 area of potential effect were identified at the
4 time of the submission of the SEC Application,
5 and in my Original Testimony I referenced them,
6 and, again, in the Supplemental and with my
7 testimony today. I believe we have a really
8 thorough understanding of the historic
9 properties, probably better than any other
10 Project before because this is such an
11 innovative way of looking at resources that we
12 know the extent of the Project, the properties
13 are going to be affected and what those effects
14 are going to be.

15 Q But, again, we don't have a final determination
16 from DOE or DHR on the number of the Effects
17 Tables and the potential adverse effects?

18 A (Widell) We don't have a final, but we have an
19 outstanding process identified in the
20 Programmatic Agreement to move forward, an
21 inclusive one that will include the consulting
22 parties and other federal agencies to finalize
23 that, and I believe we have an excellent
24 understanding of the historic resources that

1 will be affected by this Project.

2 Q And you believe that despite not having the
3 final engineering of the Project in hand and not
4 knowing precisely where effects might occur to
5 resources within the APE for underground
6 sections?

7 A (Widell) Yes. Absolutely. It is my experience
8 in transportation projects and other underground
9 situations that those decisions can be made
10 during the time when the Project is moving
11 forward and in the design and engineering. Yes.
12 I'm very confident of that.

13 Q And that would be after a decision by the SEC?

14 A (Widell) I don't know the timing for that.

15 Q Do you know the timing for -- well, we went over
16 this earlier. There are a number of things in
17 the Programmatic Agreement, different plans that
18 have not been completed, and the adverse effects
19 have not been finalized so we can't reach the
20 mitigation finalization yet either. And that's
21 likely, would you agree, not to occur until
22 after this proceeding is completed?

23 A (Widell) No. I don't know the timing. But the
24 process of using Programmatic Agreement in my

1 professional experience is a very excellent and
2 inclusive one where the mitigation for adverse
3 effects on historic properties that cannot be
4 avoided or minimized can be done in a way that
5 is specific to the resource that's being
6 affected, can be specific to the state where
7 it's occurring, and can be inclusive, and that's
8 what the Programmatic Agreement makes very clear
9 in its section on Resolution of Effects that the
10 consulting parties will be part of that
11 discussion.

12 Q And that's part of the 106 process that is
13 separate from the SEC's review. Can you state
14 that it's likely -- I'll turn the question
15 around from before. Is it likely that all the
16 required plans and final adverse effects will be
17 determined so that mitigation can be considered
18 prior to the conclusion of this proceeding at
19 the SEC?

20 A (Widell) I don't know the timing of the
21 conclusion of this proceeding for the SEC, but I
22 know that it has been often the case that SEC
23 has used a Programmatic Agreement --

24 Q Yes, you've testified to that before.

1 A -- a Memorandum of Agreement as a tool for
2 completing those things, especially mitigation,
3 that are not completed before their decision,
4 and I think the document that we have is an
5 excellent one that we should be confident in
6 because it is in my experience one that has been
7 successful again and again in caring for
8 historic properties which is the goal of all of
9 this, the SEC considerations, as well as the
10 Section 106 considerations in a Project of this
11 size for the state of New Hampshire.

12 Q But you'd agree that the Programmatic Agreement
13 itself doesn't set forth specific mitigation
14 elements for any particular Project, correct?

15 A (Widell) Yes.

16 Q That comes later.

17 A (Widell) Yes.

18 Q Okay. Thank you very much. Hold on one second.
19 Thank you. I'm finished.

20 A (Widell) Thank you.

21 PRESIDING OFFICER HONIGBERG: Off the
22 record.

23 (Discussion off the record)

24 PRESIDING OFFICER HONIGBERG: So we will

1 adjourn for the day and resume Thursday at 9
2 o'clock.

3 (Hearing adjourned at 5:21 p.m.)
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C E R T I F I C A T E

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

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

Dated at West Lebanon, New Hampshire, this 8th day of October, 2017.

Cynthia Foster, LCR