

**THE STATE OF NEW HAMPSHIRE  
BEFORE THE  
SITE EVALUATION COMMITTEE  
DOCKET NO. 2015-04**

**SUPPLEMENTAL PRE-FILED DIRECT TESTIMONY OF  
CHERILYN E. WIDELL**

**APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
D/B/A EVERSOURCE ENERGY  
FOR A CERTIFICATE OF SITE AND FACILITY FOR CONSTRUCTION OF A  
NEW 115 kV TRANSMISSION LINE**

**THE SEACOAST RELIABILITY PROJECT**

**July 27, 2018**



1 **Qualifications and Purpose of Testimony**

2 **Q. Please state your name and business address.**

3 A. My name is Cheryl E. Widell. My consulting business is Widell Preservation  
4 Services LLC. It is located at 105 North Water Street, Chestertown, Maryland 21620.

5 **Q. What is the purpose of your supplemental testimony?**

6 A. The first purpose of my supplemental testimony is to provide an update on the  
7 work completed since April 2016 to assess the potential effects of the Seacoast Reliability  
8 Project (“SRP” or the “Project”) on above ground historical resources. I also report on the status  
9 of the review of the Project by the New Hampshire Division of Historical Resources (“DHR”)  
10 and the US Army Corps of Engineers (“USACE”). Further, I respond in this testimony to certain  
11 issues raised in testimony of witnesses for Counsel for the Public and the Durham Historic  
12 Association.

13 **Q. Have you and your colleagues conducted any additional studies or analyses  
14 since the submission of your original pre-filed testimony on April 17, 2017?**

15 A. Yes. The Applicant has completed all of the steps necessary to identify historic  
16 sites and assess the Project’s effect on historic sites. Furthermore, DHR and the USACE have  
17 completed their identification of historic properties, their assessment of adverse effects and also  
18 have determined appropriate measures to resolve (mitigate) those adverse effects in the Section  
19 106 process. That resolution has led to the development of a near final draft of a Memorandum  
20 of Agreement (“MOA”) with the USACE and DHR and a separate near final draft of a  
21 Memorandum of Understanding (“MOU”) with DHR that address how the Applicant will avoid  
22 and minimize effects on historic sites and the mitigation is required for the Project. The draft  
23 MOU can be found at pp. 355-387 of the Supplement to Appendix 33 of the Application  
24 submitted to the SEC on June 11, 2018, and the proposed mitigation requirements of the draft  
25 MOA at pp. 350-352. I discuss this below.

26 **Q. What documents has the Applicant prepared since your original pre-filed  
27 testimony in April 2016?**

28 A. There are two categories of such documents. First, the Applicant completed all of  
29 the Inventory Forms required by DHR after reviewing the Project Area Form (PAF) for the  
30 Project and responded to all requests to modify those forms from DHR. These forms address the

1 potential eligibility of historic sites that had been first identified in the PAF submitted as  
2 Appendix 10 of the Application.

3 Preservation Company and I prepared individual inventory forms and historic district  
4 area forms for the following 10 resources at the direction of DHR:

- 5 • Adams Homestead, 148 Nimble Hill Rd, Newington
- 6 • Benjamin Hoyt House, 97 Nimble Hill Rd, Newington
- 7 • Durham Point Historic District, Durham
- 8 • Gosling Meadows Housing Development, Portsmouth
- 9 • Orcutt Development Area, Durham
- 10 • Stone House Farm, Durham
- 11 • UNH Historic District Form
- 12 • Alfred Pickering Farm
- 13 • Little Bay Underwater Cable Terminal Houses
- 14 • Pickering-Rowe House

15 The inventory forms for the first seven resources were submitted to the Site Evaluation  
16 Committee on May 27, 2016. See [https://www.SEC.nh.gov/projects/2015-04/application/2015-04-2016-05-27\\_ltr\\_submit\\_historical\\_resources\\_form.pdf](https://www.SEC.nh.gov/projects/2015-04/application/2015-04-2016-05-27_ltr_submit_historical_resources_form.pdf). Forms for the last three resources  
17 were submitted on August 15, 2017. See [https://www.SEC.nh.gov/projects/2015-04/application/2015-04-2017-08-15\\_historic\\_inventory\\_forms.pdf](https://www.SEC.nh.gov/projects/2015-04/application/2015-04-2017-08-15_historic_inventory_forms.pdf).

18  
19  
20 Second, we also completed the DHR-prescribed Effects Tables for all above ground  
21 historic resources that DHR required, as follows:

- 22 • Adams Homestead, 148 Nimble Hill Rd, Newington
- 23 • Alfred Pickering Farm, 339 Little Bay Rd, Newington
- 24 • Durham Point Historic District, Durham
- 25 • Gosling Meadows Housing Development, Portsmouth
- 26 • Little Bay Terminal Houses
- 27 • Newmarket & Bennett Roads Farms Historic District, Durham
- 28 • Stone House Farm, Durham
- 29 • Newington Center Historic District
- 30 • Pickering-Rowe House, Newington

- 1           • UNH Historic District

2           These effects tables were submitted to the NH Site Evaluation Committee (“SEC”) on  
3 August 15, 2017. See [https://www.SEC.nh.gov/projects/2015-04/application/2015-04\\_2017-08-](https://www.SEC.nh.gov/projects/2015-04/application/2015-04_2017-08-15_historic_effects_tables.pdf)  
4 [15\\_historic\\_effects\\_tables.pdf](https://www.SEC.nh.gov/projects/2015-04/application/2015-04_2017-08-15_historic_effects_tables.pdf).

5           **Q.     What is the status of DHR’s and USACE’s review of the Project?**

6           A.     As I stated above, these agencies have completed their review of the Project under  
7 Section 106 of the National Historic Preservation Act and for the SEC.

8           • *Identification of potential historic sites:* DHR reviewed and accepted all the  
9 inventory forms that the Project completed addressing the potential eligibility of historic  
10 properties for listing on the National Register of Historic Places (“National Register”). In the  
11 Determination of Eligibility documents (the “Green Sheets”) that DHR completed in June of  
12 2016, DHR indicated its acceptance of the Applicant’s eligibility recommendations and included  
13 requests for any additional work. In its letter to the SEC dated May 31, 2016, DHR indicated that  
14 the Applicant’s identification efforts were complete. The Subcommittee’s Order on  
15 completeness indicated that “[b]ased on the correspondence from DHR it appears that the  
16 Applicant has identified historic resources and complied with the requirements of DHR.” Order  
17 at p. 5.

18          • *Determination of adverse effect:* DHR also has reviewed all of the Effects Tables  
19 that the Applicant submitted and concluded in its August 1, 2017 Final Report to the SEC (the  
20 “Final Report”) there will be 4 adversely affected properties:

- 21           ○ the Alfred Pickering Farm,
- 22           ○ the Durham Point Historic District,
- 23           ○ the Newmarket & Bennet Roads Farm Historic District, and
- 24           ○ the Little Bay Underwater Cable Terminal Houses Historic District. See

25 Final Report, p. 2; [https://www.SEC.nh.gov/projects/2015-04/letters-memos-](https://www.SEC.nh.gov/projects/2015-04/letters-memos-correspondance/2015-04_2017-08-01_ltr_dhr_final_report.pdf)  
26 [correspondance/2015-04\\_2017-08-01\\_ltr\\_dhr\\_final\\_report.pdf](https://www.SEC.nh.gov/projects/2015-04/letters-memos-correspondance/2015-04_2017-08-01_ltr_dhr_final_report.pdf). The DHR indicated that its  
27 conclusions were informed by “[s]ignificant public involvement.” See Final Report, p. 1. The  
28 focus of DHR’s review of both the Durham Point Historic District and the Newmarket & Bennett  
29 Roads Farms Historic District was the potential impact to the stone walls in those districts. See  
30 Final Report, p. 2.

1           • *Resolution of Adverse Effects:* DHR (with USACE) solicited input from  
2 Consulting Parties in the Section 106 process and other interested parties on how best to address  
3 the adverse effects from the Project. In consultation with these agencies and from its own  
4 planning work, the Applicant proposed a number of measures to further avoid and minimize  
5 effects on the four historic sites that will be adversely affected. Those measures are set forth in  
6 the near final draft MOA between the USACE, DHR and the Applicant in the Section 106  
7 process and the separate draft MOU between DHR and the Applicant.

8           **Q. Please summarize what the Applicant has agreed to do in the MOA and the**  
9 **MOU to avoid, minimize, and mitigate adverse effects to above ground historic resources.**

10          A. The MOA is required in the Section 106 process by USACE and DHR to resolve  
11 direct adverse effects for the Cable House Historic District; the MOU is required by DHR for the  
12 SEC process in order to resolve adverse effects to the other three adversely affected properties.

13          In the MOA, the Applicant has agreed to move the cable house on the Durham side of the  
14 Little Bay crossing out of harm's way during construction, then relocate it to another location 50  
15 feet from its original location to minimize the effects of tidal action in the future, and to  
16 rehabilitate it according to the Secretary of the Interior's Treatment of Historic Properties  
17 standards. To document this historic resource before construction begins, the Applicant will  
18 complete a Historic American Engineering Record (HAER) of the resource. The Applicant will  
19 also develop interpretive signage to be displayed in the Fox Point area of Newington, and also  
20 interpretative displays to be shown in public venues in the Towns of Newington and Durham.

21          The MOU with DHR addresses several mitigation measures. For the Alfred Pickering  
22 Farm, the Applicant will employ certain features to minimize the visual impact on the resource,  
23 and provide up to \$5,000 in funding for restoration work at the Old Parsonage and the Meeting  
24 House in the Newington Center Historic District. For both the Durham Point Historic District  
25 and the Newmarket & Bennett Roads Farms Historic District, the MOU requires the Applicant to  
26 take specific measures to avoid and minimize effects on identified historic stone walls in the  
27 Project corridor. The MOU also requires the Applicant to follow the Historic Properties  
28 Monitoring Plan, the Unanticipated Discovery Plan, the Historic Properties Training Plan and the  
29 Curation and Repatriation Plan. See Appendix C of the draft MOU at pp. 370-387 of the  
30 Supplement to Appendix 33 of the Application.

1           **Q.     What is the significance of the MOA and the MOU with respect to the**  
2 **Project?**

3           A.     Once executed, these agreements signify that the state and federal reviewing  
4 agencies have identified potential adverse effects from the Project and have agreed on the  
5 mitigation needed to address those adverse effects. The agreements also demonstrate that the  
6 agencies have completed the resolution of adverse effects phase of the review process. The  
7 MOA marks the end of the Section 106 process, with USACE remaining the lead federal agency  
8 to ensure that the Applicant complies with its terms. The MOU will complete DHR's review of  
9 the Project, again subject to its responsibility to monitor compliance for the duration of the  
10 Project.

11           **Q.     Will you be conducting additional work to analyze effects of the Project on**  
12 **above ground historic resources?**

13           A.     No. Absent any design changes requiring additional analysis, DHR's and  
14 USACE's review of above ground resources is complete.

15           **Q.     Have you reviewed the pre-filed testimony submitted by the Durham Historic**  
16 **Association ("DHA") on July 31, 2017 and Supplemental Pre-filed Testimony filed on July**  
17 **20, 2018??**

18           A.     Yes, I have.

19           **Q.     Are there any resources identified in DHA's testimony that you would like to**  
20 **address relating to the DHA testimony about possible adverse effects to historic sites in**  
21 **Durham?**

22           A.     Yes. A major area of concern relative to above ground historic resources on the  
23 DHA list of resources to be protected is direct effects to stone walls. The Applicant has taken  
24 care to understand from DHA exactly which historic walls are of concern, communicating  
25 numerous times with DHA representatives and meeting on site with them, as well. Impacts to  
26 stone walls in two historic districts in Durham are also addressed in the MOUs with DHR, the  
27 Town of Durham, and UNH. The Applicant has prepared responses for all of the resources  
28 identified in DHA's original and supplemental pre-filed testimony. It is Attachment A to this  
29 testimony.

1           **Q.     Has the Town of Newington raised concerns about historic sites?**

2           A.     Yes, it has. Although there is no expert testimony from the Town on this issue, it  
3 did provide a list of 64 properties that it believes are listed or eligible for listing on the National  
4 Register. I have reviewed that list carefully with Preservation Company. We included 48 of the  
5 properties on the Town's list in the Project Area Form we completed in the spring of 2016, and,  
6 subsequently, we prepared Inventory Forms and Effects Tables on those properties as required.  
7 Thirteen of the properties on the town's list are located outside the APE. Three houses on the  
8 Town's list that were not identified in the PAF do not have sufficient historic integrity to be  
9 considered historic properties. The Applicant has provided additional information on each of  
10 the resources identified by the Town of Newington as potential historic sites and it is Attachment  
11 B to this testimony.

12           I understand that the Town has also raised concerns about possible impacts to stone  
13 walls. Eversource has responded to those concerns in a letter dated July 26, 2018. It is  
14 Attachment C to this testimony.

15           **Q.     Have you reviewed the testimony about the Project's potential effects on**  
16 **aboveground historic sites from Counsel for the Public's witness?**

17           A.     Yes, I have reviewed the original and supplemental testimony related to potential  
18 effects on aboveground historic sites from Counsel for the Public's consultant, Patricia  
19 O'Donnell, of Heritage Landscapes, LLC. I also reviewed the July 31, 2017 *Assessment Report*  
20 *on Potential Effects to Above Ground Historic Sites and Cultural Landscapes for the Seacoast*  
21 *Reliability Project* prepared by Heritage Landscapes ("Heritage Landscapes Report").

22           **Q.     Do you agree with the Counsel for the Public expert's opinion that the**  
23 **Project will have "unreasonable adverse effects on historic sites and cultural landscapes" in**  
24 **the Project's Area of Potential Effect ("APE")?**

25           A.     No, I do not agree with that opinion. While Ms. O'Donnell and her team  
26 provided an overview of a list of property types in the Seacoast Region, her report and testimony  
27 do not provide any basis for a conclusion of unreasonable adverse effect. They suggest that there  
28 are many sites that the Applicant (and reviewing agencies) failed to assess that may be adversely  
29 affected, such as parcels held in current use, public waters, and conservation lands.

30           At the time she filed her original testimony and report, however, she did not have the  
31 benefit of the Applicant's effects tables and the DHR and USACE findings of effect, the



1 substantial work the Applicant has done on stone wall impact avoidance and minimization, and  
2 the near completion of agreements with the regulatory agencies to mitigate for any adverse  
3 effects from the Project. (That Section 106 work was completed after the filing date of her  
4 testimony.) Even after reviewing all that material and DHR's determinations, though, Ms.  
5 O'Donnell still asserts that the Applicant and DHR have not addressed all historic sites. In her  
6 Supplemental Pre-filed Testimony submitted on July 20, 2018 she also "piggybacks" on DHA's  
7 testimony, stating that the Applicant (and DHR) failed to address the resources identified by  
8 DHA and that that failure is an indication of the Applicant's (and DHR's) erroneous  
9 methodology. As explained above in addressing DHA's testimony and in Attachment B,  
10 however, we have addressed all the resources identified by DHA.

11 Ms. O'Donnell's approach to identifying potentially eligible resources is fundamentally  
12 inconsistent with the approach followed in New Hampshire, and it differs from the conclusions  
13 reached by DHR and USACE. Their report does not include an assessment of whether any such  
14 properties are listed or eligible for listing on the National Register or otherwise historically  
15 significant. Heritage Landscapes merely lists properties that could be eligible for listing on the  
16 National Register or otherwise be considered a historic site in this proceeding, with no evaluation  
17 of significance and integrity of those properties. Also, there are two principal errors in their  
18 methodology for identifying historic sites. First, a few of the properties identified by her and  
19 Heritage Landscapes reflects their improper use of an APE of six miles, rather than the one-mile  
20 APE established in consultation with the DHR. Second, they applied an unreasonably broad and  
21 improper interpretation of the SEC definition of "historic sites," one that is not consistent with  
22 DHR and SEC policy and practice.

23 As I discuss below, Heritage Landscapes did identify some specific resources in three of  
24 the four Project towns (not in Portsmouth, where she finds no adverse effects) that she states will  
25 be -- or may be -- adversely affected. Most of those resources are fully appropriate for review as  
26 historic sites -- and the Applicant has identified and assessed most of the specific resources she  
27 identifies that are located in the APE. But the Heritage Landscapes list of properties is derived  
28 from reliance on viewshed maps and not from field verification or computer modeling of  
29 potential visual effect.

30 Without the required assessment of eligibility and effect, there is no basis for Ms.  
31 O'Donnell to conclude that the Project will have an unreasonable adverse effect on historic sites.

1           **Q.     What is the APE that has been established for this Project?**

2           **A.**     The indirect APE established for the Project is approximately one mile, extending  
3 one-half mile on either side of the right-of-way. Since DHR concurred in this APE in 2015, the  
4 identification of historic sites and the assessment of visual effects on those sites for the Project  
5 has proceeded in accordance with that one-mile APE. In my experience, this APE is entirely  
6 appropriate for the nature and location of this Project.

7           The 6-mile APE suggested by Heritage Landscapes is not appropriate because (1) it is not  
8 what DHR and USACE have required, (2) the SEC rules do not require it, and (3) it is much  
9 wider a corridor than is needed to identify the nature and type of effects on historic sites for this  
10 Project.

11           **Q.     Why do you believe that Heritage Landscapes applies an overly broad**  
12 **interpretation of the SEC’s definition of “historic site”?**

13           **A.**     In addition to using an overbroad 6-mile APE, Heritage Landscapes interprets  
14 the SEC definition of “historic site” to include potentially thousands of resources that are not  
15 historic sites. Heritage Landscapes contends that because the SEC definition of historic site  
16 includes, but is not limited to, resources that are included or eligible for inclusion in the National  
17 Register, it has a much broader scope than the Section 106 definition. Yet, the SEC definition in  
18 Site 102.23 provides only a single example of what a historic site is, referring specifically to  
19 those properties that are included, or eligible for inclusion, in the National Register. National  
20 Register eligibility (or listing) is also DHR’s sole focus in its review of SEC applications. See  
21 DHR’s Policy Memorandum -- Agency Review of Applications before the New Hampshire Site  
22 Evaluation Committee (January 15, 2016). A copy is attached to this testimony as Attachment  
23 D. DHR has followed the Section 106 definition for its work on SEC projects, and the SEC has  
24 followed that lead in the one prior case that has been decided since the new definition was  
25 adopted.

26           Heritage Landscapes does not apply any standard of historical significance or integrity,  
27 including the standard 50-year old threshold for eligibility for the National Register, in  
28 suggesting what might be a historic site. The first part of the Heritage Landscapes report  
29 suggests that every property in the ten categories of resources they list should be assessed as a  
30 potential historic site.

1           In contrast, the Applicant's own identification (and assessment) of historic sites is fully  
2 consistent with the approach directed by DHR for this Project, as well as the approach used by  
3 the Advisory Council on Historic Preservation and the National Park Service for purposes of  
4 Section 106 review. The Applicant has worked closely with DHR and the USACE as the lead  
5 federal agency in the identification and assessment of historic sites that it began before the  
6 submittal of the Application. DHR's reports to the SEC on the status of review of aboveground  
7 resources provides a full record of how the Applicant has addressed all the work that DHR and  
8 USACE have required of SRP in the Section 106 process and how much has been completed.  
9 DHR's last letter report to the SEC on August 1, 2017 provides a thorough explanation of how  
10 the Applicant has completed the identification and assessment of effects on this Project. That  
11 letter also outlines the process that has since been followed to resolve adverse effects. The final  
12 draft MOA and MOU will fully address mitigation of adverse effects to the state and federal  
13 agencies' satisfaction.

14           **Q. Does Ms. O'Donnell identify properties that she believes will be adversely**  
15 **affected by the Project, though?**

16           A. Yes, she does – although, again, her actual assessment of effect is very limited. In  
17 the Town by Town effects analysis in Chapter 4 of its report, Heritage Landscapes identifies  
18 specific properties that it alleges the Applicant either failed to assess or assessed inaccurately.  
19 The Applicant's comments on the specific resources that Ms. O'Donnell asserts will be adversely  
20 affected are set forth in Attachment E to this testimony. I agree with part of Heritage  
21 Landscapes' assessment of effects, as reflected in my original testimony and the effects tables  
22 that were submitted to DHR. (I also agree with her that there are no adverse effects from the  
23 Project to historic sites in the City of Portsmouth.) DHR's findings of adverse effect also include  
24 some of the properties that Heritage Landscapes discussed. However, I disagree with Ms.  
25 O'Donnell's specific conclusions on adverse effect for certain properties she has listed and I  
26 disagree with her ultimate opinion that the Project will have an unreasonable adverse effect on  
27 historic sites. Many of the sites she included in her Summary of Adverse Effects in three of the  
28 four towns are beyond the APE. Her opinion is inconsistent with NH law and practice, and it  
29 differs from the final conclusions of the reviewing state and federal agencies.

1           **Q.     Has your opinion changed regarding the question of whether this Project will**  
2 **have an unreasonable adverse effect on above ground historic sites?**

3           A.     No. My opinion remains that the Project will not have an unreasonable adverse  
4 effect on above ground historic sites.

5           **Q.     Please explain.**

6           A.     There will be some adverse effects from the Project, as DHR and USACE have  
7 noted. However, there are many reasons why the effect will not be unreasonably adverse. I  
8 explained these reasons in my original pre-filed testimony dated April 12, 2016 at pp. 8-12, and  
9 further in my amended pre-filed testimony dated March 29, 2017. Overall, the Project has been  
10 designed and will be constructed in a way that will avoid most effects to above ground historic  
11 resources. It will have an unavoidable adverse effect on a small number of sites, but those  
12 effects are not substantial. The direct effect to the cable house in Durham and historic stone  
13 walls associated with historic properties in Durham and Newington will be avoided, minimized,  
14 or fully mitigated in accordance with the agreements with USACE and DHR (the MOA and the  
15 MOU). The Project will not have an unreasonable adverse effect on above ground historic sites.

16           **Q.     Does this conclude your supplemental testimony?**

17           A.     Yes.