STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

August 3, 2017 - 1:31 p.m. DAY 27
49 Donovan Street  Afternoon Session ONLY
Concord, New Hampshire

{Electronically filed with SEC on 08-11-17}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:
Chrmn. Martin P. Honigberg  Public Utilities Comm. (Presiding as Presiding Officer)
Dir. Craig Wright, Designee Dept. of Environ. Serv.
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby  Public Member
Rachel Dandeneau  Alternate 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:  Steven E. Patnaude, LCR No. 052
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(resumed)       VICTORIA BUNKER

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NOTIFICATION OF NON-SUBSTANTIVE CORRECTIONS:
Page 2:  Addition of Witness "Victoria Bunker"
Page 4 – 128: Corrected header, adding "Bunker"

EXHIBITS

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P R O C E E D I N G

(Hearing resumed at 1:31 p.m.)

CHAIRMAN HONIGBERG: Mr. Roth, you may continue.

MR. ROTH: Thank you. Welcome back, Ms. Widell.

WITNESS WIDELL: Good afternoon, Peter.

BY MR. ROTH:

Q. I'm going to touch briefly again back at Peaked Hill, just to make sure I got these before we broke -- broke. And I just want to make -- have you done any analysis to consider different structures or placement of those structures at Peaked Hill, as was suggested in this possible mitigation on the spreadsheet?

A. (Widell) I have not done the analysis, no.

Q. And has the additional work that was done in the form of the Inventory Form that was submitted in 2017, has any of that changed your view about whether mitigation is possible?

A. (Widell) The survey forms have not changed my view on mitigation.

Q. Okay. So, you would -- would you still agree
today "no mitigation is possible, except underground", as it says on the spreadsheet?

A. (Widell) No, I wouldn't agree with that assessment. I think that there are -- the possibility for mitigation would also be a different type of structure in certain places.

Q. Okay.

A. (Widell) Such as a weathering steel monopole, in place of a lattice.

Q. But you haven't done any analysis to determine whether that -- whether that would make any difference?

A. (Widell) I have participated in discussion with engineers to see if it is feasible, and --

Q. Feasible to what? Replace?

A. (Widell) To replace lattice with monopole.

Q. Okay. But, other than determining whether it's feasible on an engineering basis, you haven't done any analysis to determine whether switching types of structures would reduce impact, as the spreadsheet suggested in that question?

A. (Widell) It might reduce visibility. But, because these structures are a focal point
within the Historic District, between views of
the resources and within the District, unlike
other resources, it may reduce visibility, but
it will definitely still be an adverse effect.

Q. Okay. And, if, on an engineering basis, and
do you know the answer to that? Did they
determine that it's feasible on an engineering
level?

A. (Widell) I believe it is feasible.

Q. Okay. But let's assume that it's feasible, but
they decide not to do it. Is there any other
mitigation that's possible, except for
underground, as the spreadsheet says?

A. (Widell) I am not aware of.

MR. ROTH: Okay. Can we go to
APP15832?

BY MR. ROTH:

Q. So, we're now looking at the assessment report
for the Jeffers Farm, also in Bristol. And
this is Applicants' Exhibit 1, Appendix 18.
And we're looking at Page 15832. And this is
the discussion, as I said, of the Jeffers Farm.
And, as I understand from your testimony this
morning, for purposes of your assessments under
the 106 process, Jeffers Farm has now been, to use Ms. O'Donnell's words, agglomerated with the Peaked Hill District, correct?

A. (Widell) Yes. Jeffers Farm is part of the Peaked Hill Historic District.

Q. Okay. And, on 15832, in the assessment, the Preservation Company found that "The Project will be substantially visible in the main public views of the historic resource." Correct?

A. (Widell) Yes.

Q. And that "The Project appears to have an adverse effect on the property." Correct?

A. (Widell) Yes.

Q. And didn't they say in the text -- can you highlight that? "Project will be prominently visible when looking at it from the road." Correct?

A. (Widell) "When looking at the house from the road."

Q. Yes. So, you're standing on the road, looking at the mouse, and the Project is going to be prominently visible somewhere there?

A. (Widell) In the rear of the property, yes.
Q. In the rear of the property. And doesn't it also say that the new lines in the old right-of-way will be closer to the resource than the existing lines, correct?

A. (Widell) Yes.

Q. Okay.

A. (Widell) Thank you. Sorry.

Q. That's all right.

A. (Widell) I jumped ahead.

Q. Yes, yes, yes. And the new monopole that's been proposed, apparently one of them, there are two new monopoles that are going on this piece of property, 75 feet tall, and it will be taller than the existing equipment that's there now, right?

A. (Widell) Yes.

Q. Which are roughly "42 to 45"?

A. (Widell) Yes.

Q. And the "conductors will be higher than the surrounding trees and more visible than the existing lines". So, this is a pretty significant change in effect from the existing lines, isn't it?

A. (Widell) It's an adverse effect.
Q. A pretty significant adverse effect, isn't it?
A. (Widell) Yes.
Q. Thank you. And do you believe that the impacts of this sort could diminish the things that made the Jeffers Farm potentially eligible?
A. (Widell) Yes. That is the definition of an "adverse effect".
Q. Okay. And, in your opinion, will these impacts at the Jeffers Farm be unreasonable?
A. (Widell) I would not apply an "unreasonable adverse effect" to an individual property.
Q. Okay. Even though that's the standard that we're using here in the SEC, correct?
A. (Widell) It is a final decision that needs to be made by the SEC.
Q. Okay.
A. (Widell) You were implying that it's a standard that needs to apply to an individual property, and I do not agree with that.
Q. Okay.

MR. ROTH: Can you give me back the chart? And the top row.

BY MR. ROTH:
Q. And this is the chart again. And, in here you note, or somebody notes, "the line is close and is significantly visible in the main public views." That's similar to what was in the assessment report, right?

A. (Widell) Yes.

Q. And what they are proposing, at least when this was written, is an "80-foot [tall] lattice structure", right?

A. (Widell) It is slightly different in the Assessment Form, I believe.

Q. Well, yes, I understand.

A. (Widell) Yes.

Q. But we're looking at this figure here.


Q. Okay. And that "the only screening was deciduous trees", right?

A. (Widell) Yes. That's what it states.

Q. And that's important, because deciduous trees lose all their leaves in the fall, and don't grow them back, in New Hampshire, after like Memorial Day, right?

A. (Widell) Yes. And it's important to look at leaf-on and leaf-off.
Q. Right. And, in general, you didn't look at, in terms of identifying resources, at the top of the system, you didn't make determinations about leaf-on/leaf-off, you just said "Tree cover. We're not looking at that one." Right?

A. (Widell) No, that's not true. We looked at leaf-on and leaf-off, and we discussed that.

Q. No, that's not what I recall. So, then you said "Close view of the resource", and then the possible mitigation was "shift location of new structure". And has -- do you know, has that been adopted? Have they moved the location of the new structure?

A. (Widell) I am not aware of that, no.

Q. Do you think that that would actually make a difference, if they did?

A. (Widell) It could be, because, in this particular case, one of the structures was in a public view behind the property.

Q. So, you're saying it could make a difference?

A. (Widell) Yes.

Q. Okay. And do you know whether they have analyzed trying to do that?

A. (Widell) No.
Q. All right. Now, we're going to go to Ashland.

MR. ROTH: And let's look at 16058.

BY MR. ROTH:

Q. So, in this instance, we're looking at a railroad bridge, right?

A. (Widell) Yes.

Q. And 16060, Preservation Company made a determination that it has potential for eligibility for the National Register because of visually related areas of significance, correct?

A. (Widell) Yes. I would say -- make a point, of course, that Preservation Company and I worked together on these Assessment Forms. So, I was participating in that.

Q. Okay. So, you speak for them in some instances, but not others. Is that what I understand?

A. (Widell) I am here to speak for our joint product.

Q. Okay. And, in the next page where they did an assessment, they determined that it would not have an adverse effect on the railroad bridge, the Project wouldn't, right?
A. (Widell) Yes.

MR. ROTH: And, if you highlight that last paragraph.

BY MR. ROTH:

Q. You determined and the Preservation Company determined that "The Project will not be substantially visible in the main public view of the bridge. The views of the bridge are not a character-defining feature. Rather, the significant views are from the bridge looking towards the scenic river." Correct?

A. (Widell) Yes.

Q. And, so, is it -- would it be considered trespassing for a person to walk over this bridge?

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

Q. Okay. Do you think it's customarily a safe and prudent practice for the public to walk on a railroad trestle?

A. (Widell) No.

Q. And are you aware that railroads look very unlikely on that kind of behavior by the public?

A. (Widell) I would expect so.
Q. Okay. So, what we're talking about is people who travel by train over this bridge, in essence, correct?

A. (Widell) Yes. Are you referring to this statement, because I'd be happy to clarify it?

Q. Well, I'm trying to understand "the significant views are from the bridge looking at the river", right?

A. (Widell) Yes. So that, if I can --

Q. So, the way you get on the bridge is either you walk on it, which is probably illegal, and certainly unsafe, or you ride a train across it, right?

A. (Widell) Well, Mr. Roth, if I might clarify this, it goes actually to what you had been discussing earlier. The significant views goes directly to the significance of the historic property. This historic railroad was -- its intention was as a tourist railroad, for tourists to travel to the White Mountains. Even today, there is a tourist railroad, I think, that uses this corridor. So, when we refer to the "significant views", they would not be coming from somebody
that's trespassing on the railroad bridge. It historically would have had significant views because it was used for tourism.

Q. Okay.

A. (Widell) Okay?

Q. I accept that.

A. (Widell) All right.

Q. And I fully appreciate that it's important to consider whether tourists on the tourist train, whether their view is diminished in some way by a project, right?

A. (Widell) Yes.

Q. And I don't think we're in disagreement on that point.

A. (Widell) Okay. Thank you.

Q. But you did not consider and the Preservation Company did not consider whether other views of the bridge, from other places, might also be significant for other reasons, did they?

A. (Widell) Yes. We did look at whether there were significant views of the bridge itself, that had the Project in its scope for sure. That is one of "is it in the main public views of the bridge?"
MR. ROTH: Could you give me CFP 406?
This is a big one.

BY MR. ROTH:

Q. So, I'm now introducing Counsel for the Public Exhibit 406, which is the Area Form for the Boston, Concord and Montreal Railroad Historic District. Correct? Do you recognize this?

A. (Widell) Yes.

Q. So, this was not prepared by the Preservation Company. This was prepared by Public Archeology Laboratory, also known as "PAL", right?

A. (Widell) Yes.

Q. And is your relationship with PAL similar to that that you have with the Preservation Company?

A. (Widell) PAL is part of the team working on cultural resources for Northern Pass. And I have worked with PAL, as well as Preservation Company, yes.

Q. Okay. So, did you participate in creating this Area Form for the railroad?

A. (Widell) I reviewed the Survey Form -- the Inventory Form, I'm sorry, I keep calling it a
"Survey Form", they are -- those terms are used inter --

Q. The Area Form?

A. (Widell) Yes. The Inventory Area Form, the large Area Form. Yes, I did review it. Yes.

Q. Okay. And there's quite a bit of detail in here about the railroad and its history, correct?

A. (Widell) Yes. And, --

MR. ROTH: And, so, let me go to 181028.

BY MR. ROTH:

Q. And we're not going to talk about a lot of the history of the railroad, although that might be very interesting, I think we're -- I want to focus on the bridge.

MR. ROTH: And can you highlight that last big paragraph?

BY MR. ROTH:

Q. And, in here, PAL says "Two bridges over the rivers provide distinguished examples of early twentieth-century truss bridge construction." Correct?

A. (Widell) Yes.
Q. And then it says "the former", which is this bridge, I believe they're referring to this one, I believe this is the Pemigewasset River Bridge, correct?
A. (Widell) Yes. Yes.
Q. So, "The former is a three-span riveted through truss", --
A. (Widell) Uh-huh.
Q. -- of which perhaps 21 are extant in the state", and then there's a citation, correct?
A. (Widell) Yes.
Q. And "Its significance is enhanced by the fact that it was designed by the John Storrs, the well-known New Hampshire engineer." Correct?
A. (Widell) Yes.
Q. So, John Storrs wasn't running a tourist train, was he?
A. (Widell) No. So, you're pointing very precisely to the criteria under which this would be significant, which is C, which normally is architecture, but, in this case, would be engineering.
Q. Right.
A. (Widell) And, so, it doesn't have a visual
component that would be connected to its significance.

Q. So, --

A. (Widell) And so, this property, as well as all railroad properties, were determined by DHR to have no adverse effect, and are not for the Northern Pass Project.

Q. The bridge -- and, then, on the next page, it says "The Bridge over Pemigewasset River...a hansom Warren through truss".

A. (Widell) Warren through truss.

Q. Yes.

A. (Widell) Yes. Yeah, it is.

Q. And, so, is it fair to say, --

MR. ROTH: And I'd like to go to 181083. And can you highlight the top photograph?

BY MR. ROTH:

Q. And, at some level, is it fair to say that the bridge is an important example of a type of bridge?

A. (Widell) Yes.

Q. And that has a particular appearance, doesn't it?
Q. And that this is an example, I guess they called it a "distinguished example", of a bridge that's disappearing from New Hampshire, isn't it?
A. (Widell) Yes.
Q. In fact, we had one here in Concord that they've taken apart, unfortunately, and now there's a piece of it laying next to the riverbank, to show how important and interesting it was, right?
A. (Widell) Yes.
Q. And here we're looking at a picture of the bridge. And this picture was taken from Main Street, looking down at the bridge, correct?
A. (Widell) I'm assuming that. I didn't take the photograph. But I'm assuming, yes, that's the approximate location.
Q. Yes. The caption says "looking from Main Street". Now, that's quite an elevation, --
A. (Widell) Yes.
Q. -- looking down at the bridge. And do you know, did anybody analyze whether the view from Main Street, in Ashland, was, and I guess it's
Ashland into New Hampton, is historically significant in any way?

A. (Widell) I do not know that.

Q. Okay. And do you know whether anyone analyzed whether the view of this bridge from the surface of the river had any sort of historic significance for -- even from a tourism basis?

A. (Widell) We looked at the significant views. We looked at the views of this bridge from the highway bridge as well. But, once again, it goes directly to the significance of the property itself, which is for engineering. And it was determined by DHR that it was not significant for tourism views. I think it points to the thoroughness of --

Q. You didn't -- I'm sorry, but you didn't answer my question. The question is, did anybody, you or anybody at PAL or the Preservation Company, analyze this bridge from a perspective of tourism using the river?


Q. Or historical tourism using the river?

A. (Widell) Historical tourism using the river, no.
Q. Okay. Nor historically significant from people traveling over Main Street, between Ashland and New Hampton?
A. (Widell) No.

Q. Okay. Now, in that photograph that's displayed, you can see the existing wires running above the bridge, correct?
A. (Widell) Yes.

Q. And is it fair to say that, if the Project is constructed, there will be additional wires, perhaps higher than these wires, that will be visible from Main Street above the bridge?
A. (Widell) I don't know that.

Q. Okay. And hypothesize with me for a moment that there will be more and higher wires above the bridge. And tell me, do you think that that would have an impact on the bridge and the railroad?
A. (Widell) No. Not based on the information prepared in the Survey -- Inventory Form that you just presented to us, and the decision by DHR that none of the railroad resources would have -- there would be no adverse effect to any of the railroad resources within the Area of...
Potential Effect for Northern Pass. So, --

Q. Okay. But that's based solely on the tourism train, correct?

A. (Widell) No. It's based on the finding from the Inventory Form that the criteria -- criterion for significance is C, not A, which is related to its engineering. It's a Warren through truss. And, as you said, it's one of only 20 some in New Hampshire. And its significance is drawn from its engineering.

Q. Okay. You said that before. And now I understand something that I didn't understand before, and thank you for repeating it. Because, in the assessment that was done by the Preservation Company in 2015, on which you based your opinion in this case, they looked at the bridge as -- under Criterion A as scenic because of the tourism train, correct?

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

Q. And that turned out not to be the case, right?

A. (Widell) That is true. But what that -- that is an example of how broadly we were in including resources that may have a visual characteristic to them, even if it is possible
that it was only significant under engineering, which is a logical application of significance under National Register for bridges.

Q. Doesn't it also mean that you, when you prepared the assessment, with your rather singular focus on visual effects, you ignored Criterion C, Engineering, didn't you?

A. (Widell) No.

Q. Or you missed it.

A. (Widell) We didn't ignore Criterion C -- Criterion C does not have the likelihood, it doesn't have the capability of having an adverse effect from a visual standpoint. So, we were actually being more inclusive by stating that we thought it might potentially have significance under the tourism trade, which would require us to look at whether there were visual adverse effects for this bridge.

Q. But you didn't --

A. (Widell) What I'm saying now is that DHR has said "no" --

Q. You've said that over and over again and you can stop. But did you -- but is it true that, when you did the analysis of the bridge in the
first instance, you didn't consider it as an engineering or architectural resource, correct?

A. (Widell) Yes, we did consider that. But that was not the significance.

Q. It's nowhere in this analysis, is it?

A. (Widell) It was not -- we did not identify that significance, because it had no possible visual effect that could occur from the Northern Pass Project.

Q. And that's your singular focus on visibility, that's what I'm getting at. You were focused on visibility, so you didn't think about engineering, right?

A. (Widell) Not for making determinations of a visual adverse effect. Because, if it were significant under engineering, it would be impossible for it to have a visual adverse effect under the Section 106 process.

Q. If you were to look at the bridge -- if you were to sort of look it from the perspective that the Preservation Company did in 2015, and upon which you based your opinion in this case, as a scenic resource, basically, for the tourists on the train, do you think that, if
you included views of the bridge from the river
or from Main Street, you would find an adverse
impact?

A. (Widell) No.

Q. Now, let's look at the chart again. So, here
we are back to the spreadsheet. And the middle
column there, "Type/Description of Resource",
talks about "Historically significant views -
nineteenth-century literature touted scenery
along rail line", and it "remains in use...for
fall foliage train trips between Meredith and
Plymouth". Right?

A. (Widell) Yes.

Q. And "The project will be visible in
historically significant views from the
bridge". "New structures will be significantly
higher and closer" -- "and close to river's
descend". And there's "clearing proposed for the
southerly edge of the right-of-way which will
further increase visibility." Is that what you
said?

A. (Widell) I'm sorry, I didn't see that part of
the right-of-way.

Q. Yes. Under "Issue", "Clearing is proposed for
southerly edge of right-of-way --

A. (Widell) Yes. Thank you.

Q. -- which will further increase visibility."

A. (Widell) Yes. Yes.

Q. And, then, under "Possible Mitigation", it says
"Visibility from the bridge could be reduced by
shifting structures back from the river edge."
And do you know if that was -- if that has been
done?

A. (Widell) I do not know if it has been done, but
I know it was considered.

Q. Okay. And, because it suggests that the
chart here, because it's my understanding
that counsel for the Forest Society is going to
ask a number of questions about The Rocks
Estate. So, I'm not going to spend any time on
that of any great amount.

But I'm looking at your chart here. And
it seems to me that this chart was drafted sort
of maybe before the underground route was fully
determined. Is that fair to say?

A. (Widell) I don't know.

Q. Okay. And, because it suggests that the
"underground option", if you look at the "Possible Mitigation", "would eliminate effects on" this particular "sawmill/pigpen and the Trail". And then it says "Monopoles might reduce visibility." Correct?

A. (Widell) Yes.

Q. And do you know whether the monopoles have been adopted for this location?

A. (Widell) No, I do not precisely. I'd have to look at my materials for that.

Q. Do you --

A. (Widell) Because I certainly analyzed what was proposed from The Rocks Estate.

Q. Okay.

A. (Widell) As we have with all the other historic resources.

Q. Have you analyzed to determine whether the use of monopoles would, in fact, reduce visibility at The Rocks Estate?

A. (Widell) I participated in the preparation of an effects -- draft effects table. And I have looked at the effects on The Rocks Estate in a lot of detail, yes.

Q. That wasn't really responsive to the question.
The question was, have you analyzed whether using monopoles would, in this location, would reduce visibility at The Rocks Estate?

A. (Widell) No.

Q. Now, we're going to look at the poor Baker Brook Cabins.

MR. ROTH: I'm going to start with APP16142.

BY MR. ROTH:

Q. So, this is Applicants' Exhibit 16142 -- oh, I'm sorry. Applicants' Exhibit 1, Appendix 18, Page 16142. And this depicts, on this front page, a couple of the little tourist cabins there at the Baker Brook area, correct?

A. (Widell) Yes.

Q. And, if we look at 16145, we can see at the top that it was found to qualify "under Criterion C in the Area of Architecture". And I guess, on the other side -- on the page before, under "Criterion A" perhaps. And, so, there was found -- and then there was "integrity", correct? They found integrity on "Design", "Feeling", "Setting", "Location"?

A. (Widell) Yes.
Q. A number of things, right?
A. (Widell) Yes.
Q. And, in fact, all of them. And, then, there's a fairly -- a summary and conclusory analysis of integrity. And then we have them finding that it's "registry eligible", correct?
A. (Widell) Yes. Well, potentially.
Q. Yes. And, then, on the next page, they thought it would have a substantial -- it "would be substantially visible in the main public views", right?
A. (Widell) Yes.
Q. And it would "create a focal point", correct?
A. (Widell) Yes.
Q. And it "appears to have an adverse effect" on the Baker Brook Cabins area, right?
A. (Widell) Yes.
Q. And, then, as I understand it, this is -- and this was kind of new to me, I guess, that there are some 22 different structures associated with this property, aren't there?
A. (Widell) There used to be.
Q. Okay. And that includes the ranch house that was going to be destroyed in order to build the
transition station there on Route 302, right?

A. (Widell) Yes.

Q. And, so, you're saying now that some of these cabins have been -- have been knocked down, right?

A. (Widell) Yes. In my recent site visit, I observed that, yes. They were demolished.

Q. And do you know how many of them?

A. (Widell) I did not count, no. I'm sorry.

Q. Is it like all of them?

A. (Widell) It was not all of them. But, in my professional judgment, the Historic District has lost its integrity, because there were probably at least half, if not two-thirds, were demolished.

Q. As a district?

A. (Widell) As a district.

Q. But each of the remaining cabins could have integrity all by itself, correct?

A. (Widell) No, unlikely. I would state that I do not believe that they would individually be significant. And, --

Q. But you haven't --

A. (Widell) -- once again, the DHR has recently
determined not to survey this property, because it has lost its integrity.

Q. Because of the destruction of the cabins by --
A. (Widell) Yes. Yes.

Q. And who did that, the owner?
A. (Widell) I believe, from press reports, that's my understanding.

Q. Okay. All right. Now, we're going to look at the burns lake properties, in Whitefield.

MR. ROTH: And can you give me 16339?

BY MR. ROTH:

Q. And we're looking at Applicants' Exhibit 1, Appendix 18. Page 16336 actually depicts Burns Lake with one of the homes along side of it, and showing the views in the distance. And, then, if we go to 16338, we can see here that the Preservation Company found that it would be "National Register eligible", correct?

A. (Widell) Yes.

Q. And you agree with that, I assume?
A. (Widell) Yes.

Q. And the Project it says -- it says "The Project will be substantially visible in historically significant views". Is that correct?
A. (Widell) At the time that this was completed, yes, that was true.

Q. Okay. And, then, on the next page, on 339, it says that "The Project appears to have an adverse effect on the area or district". Correct? Is that correct?

A. (Widell) Yes.

Q. Okay. And, now, you answered my last question before in a way that suggests to me like maybe you think that the view has changed?

A. (Widell) Oh. I know that we met with the engineers. And the distance between the structures was changed, modified, I believe, at least that was the recommendation, so that it would reduce visibility. And I believe that was done.

Q. The distance between the structure is modified?

A. (Widell) Yes.

Q. In what way? Do you mean closer together or further apart?

A. (Widell) I believe they were made -- I can't remember.

Q. Okay.

A. (Widell) I can't remember. I know it enabled
them to -- for them to be lower.

Q. Do you know how many structures are visible?
A. (Widell) I do not remember that precisely.

Q. Okay. Do you know what --
A. (Widell) We talked about it in the form. If we went to another page on the form, we would be able to --

Q. Do you know what kind of structure --
A. (Widell) It's probably in this paragraph, if I can --

Q. Do you know what kind of structures they are?
A. (Widell) Once again, they were changed, and I cannot recall precisely how that occurred, but --

Q. Okay. And, in this write-up on effect on Page 16339, it said that "Weathering steel monopole structures will be used in the Project corridor where it parallels the west side of Burns Pond so as to diminish the effect of the Project in the panoramic scenic views to the west."

Correct?
A. (Widell) Yes. So, it states that they're "weathering steel monopoles".

Q. Okay. And we'll get to this in a minute, but
it also says that "the Project" -- the "views of the Project will be predominantly from character-defining rear decks, porches, or other features of the westerly houses, intended to capture scenic views of the lake and mountains to the west, in the direction of the Project." Correct?


Q. And, then, at some point, to the southwest, the "Project crosses a ridge such that the weathering steel monopoles, though small objects in the distance, will be visible against the sky". Isn't that sort of one of the -- you know, one of the -- in terms of a visual impact, isn't that one of the worst things that you can do?

A. (Widell) Yes. And that's why we met with the engineers, to make modifications to the Project in this area.

Q. Okay. So, when a structure like that is "visible against the sky", even though they're small in the distance, if you're sitting on your character-defining deck, on a beautiful summer afternoon, having your gin-and-tonic,
watching the Sun go down, are those structures
going to appear bigger than they actually --
than they would under normal lighting?

A. (Widell) I don't know if they would appear
bigger than they normally would under lighting.
They would be visible for sure.

Q. Would the gin-and-tonic make them seem bigger?

A. (Widell) This afternoon, may be.

Q. Aside from the modifications that you've just
suggested, that you're not sure about how those
are going to work exactly, if you take those
out of the picture, will the Project's impacts
cause the Burns Lake area to -- would it
diminish their characteristics that make them
eligible?

A. (Widell) I believe that we found that adverse
effect in this property before the changes were
made to the structures, the type of structures
and the heighth of the structures.

Q. Okay.

A. (Widell) So, yes.

Q. So, I notice on your chart, on Attachment B to
your original prefilled testimony, maybe I'm --
you know how sometimes you're looking for
something that's right in front of your face,

you can't see it?

A. (Widell) Oh, it's not there, --

Q. It's not on here.

A. (Widell) -- because the changes were made, and

the visual effect was minimized.

Q. So, even though this chart, Attachment B, was

published to the Site Evaluation Committee and

all the parties at the same time that the

Assessment Report was published to the Site

Evaluation Committee, and the Assessment Report

says "The Project is going to have an adverse

impact", your chart doesn't seem to reflect

what the Assessment Report says, does it?

A. (Widell) Yes. No, it does not, because it was

changed, because the structure heights were

changed so that it was not as visible.

Q. But the --

A. (Widell) That was the whole intent of meeting

with the engineers, to avoid and minimize

effects on properties, and did mean that some

were no longer an adverse effect.

Q. But the Preservation Company -- the

Preservation Company did not file a revised
Assessment Report with the Site Evaluation Committee and give it to all the parties, did it? And nor did you?

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

Q. Okay. Have you prepared such a revised report?

A. (Widell) I have not.

Q. Okay. And, to your knowledge, has the Preservation Company done that?

A. (Widell) To my knowledge, they have not.

Q. Okay.

A. (Widell) But that is --

Q. So, the evidence right now --

A. (Widell) The amount of information now that we have related to this property is much larger, and there are effects tables being completed right now related to the design, as it is presented now, two years later, in this area, the much broader discussion of significance. And the effects tables, in great detail, are reviewing all of the effects on --

Q. But today is --

A. (Widell) -- every historic property.

Q. Today is the hearing day. The assessment was prepared in 2015, and it has now been on the
record for two years. And neither you, nor the Preservation Company, has done anything to correct that. Is that fair to say?

A. (Widell) This Assessment Form has not been changed, no.

Q. Right. And, so, as far as the Committee is concerned, the only evidence it has in front of it today is you and this Assessment Table -- or, this Assessment Form, right?

A. (Widell) No, I wouldn't say that. There's so much information related to not only this historic property, there's a great deal of information now in the Inventory Form and on the effects tables that talk in even broader terms.

Q. Do we have an inventory form, a 106 Inventory Form for the Burns Lake properties?

A. (Widell) Yes, we do.

Q. And, so, that's been produced?

A. (Widell) It is right here. There are two, I think, very large milk cartons filled with --

Q. All right.

A. (Widell) -- every single Assessment Form and every single Inventory Form that has been
completed for identification of historic
resources for Northern Pass.

Q. And all those -- and all those have just been
developed and completed sometime in the last
couple of months, correct?

A. (Widell) No. I believe that the Inventory
Forms, on the forms that DHR requested, have
been completed in perhaps the last year. But
not in just the last couple months, not at all.

Q. But they have just been brought to the
Committee's attention and the parties'
attention in the last couple of months, isn't
that correct?

A. (Widell) I do not know when they were presented
to the Committee. They have been presented --
123 of them have been presented to DHR.

Q. And DHR isn't a party to this case, are they?

A. (Widell) I don't know what you mean by "a party
to this case". The recommendations and
findings of DHR under the Section 106 process
is one of the criterion necessary for
determining an unreasonable adverse effect.
So, the information that DHR has, related to
the identification and evaluation and
minimization and mitigation, is very important, I would think, to the SEC in their deliberations.

MR. ROTH: Can I have the ELMO?

BY MR. ROTH:

Q. Now, this is a letter that was provided to me this morning. And it appears to be in reference to a binder full of materials that were provided to DHR on July 31st, 2017 by Northern Pass. And it says "The findings in this binder represent the opinions of Northern Pass Transmission." And it says "NHDHR has not yet had the opportunity to review this binder for completeness or accuracy. Northern Pass continues to submit new Inventory Forms and updated Inventory Forms to the NHDHR for review and comment. These materials may not be included in this binder. This volume does not contain the Division's written findings of whether a property is historic. The Division's findings may vary from those of Northern Pass Transmission. The Applicant has provided copies of the Division's written findings on the eligibility of various inventoried
properties in the binder titled "Applicant Exhibit 112"."

So, it seems to me that, at this point, a lot of this stuff has at least been made publicly available just in the last couple of days. And NHDHR is essentially disclaiming any -- making a disclaimer about it, isn't it?

A. (Widell) No. I have not idea what's in the binder. As I indicated to you previously, there is about eight Inventory Forms that are still being completed. I don't know if that's what was in this particular binder. I have some specifics on the survey forms that have been submitted to DHR, which I would be happy to provide, if --

MR. ROTH: Let's go to the next one, which is APP16600. Can we have her system back? Okay. All right. Thank you.

BY MR. ROTH:

Q. So, now, we're going to the next property on your spreadsheet, which is the Kimble Hill Road District, also in Whitefield. And, on 16601, the Preservation Company found that the property had significance, correct?
A. (Widell) Yes.

Q. And did a write-up of that discussing criterion. And, then, it found, on the next page, it appears that it had integrity, and checked the number of boxes, and had the summary and conclusive discussion of integrity. And, on the next page, they found that it was "potential for National Register eligibility", correct?

A. (Widell) Yes.

Q. And, then, on that same page, they determined that it "does not appear to have an adverse effect on the Kimble Hill District", correct?

A. (Widell) Yes.

Q. And it appears to me, based on the analysis on the next page, that their opinion is based on the fact that the views from the road of the properties generally don't show the Project, correct?

A. (Widell) I would have to --

Q. Why don't you --

A. (Widell) -- take a look at this briefly, if I may?

Q. Certainly. Go right ahead.
A. (Widell) Yes. I'm ready to answer your questions.

Q. Okay. And the Preservation Company discounted the views from 248 Kimble Hill Road, which says those views are significant, because of the use of monopoles, climbing the hill in the background there, correct?

A. (Widell) I believe it states that it is a distance of 1.7 miles from the particular 248 Kimble Hill Road, and the backdrop for the monopole is also woodland.

Q. Okay. And, so, the monopoles are marching up the hillside at some distance. And I guess I read that analysis, I wasn't totally clear what was at issue, and maybe you've explained it as best as can be.

A. (Widell) Have you been to Kimble Hill Road?

Q. No, I haven't. And, then, in your chart, --

MR. ROTH: Can we go to -- back to the chart?

BY MR. ROTH:

Q. In your chart, you say "The line is distant but the cut is substantially visible in historically significant views from the..."
Q. And do you remember when we had the discussion, seems like months ago, but it was probably this morning, about the APE and DHR's determination on what the APE is? Remember that? And the point I was trying to make was they said "approximate", because they wanted to take into account, I think, situations like this. Does this help you to understand that argument a little bit better?

A. (Widell) No.

Q. Okay. And, then, you suggested, in the "Possible Mitigation", "Additional modeling using monopole structures [is] discussed in the DeWan review might change the determination of adverse visual effect."

And, so, I'm a little confused by that, since it appears that the Preservation Company analyzed this, and found an adverse effect -- no, found no adverse effect, I'm sorry, with the monopoles in place, right?

A. (Widell) Yes. We found that there was no adverse effect.
Q. Yes. But, in this discussion here, you're saying that they might be used. And, so, I don't -- apparently this predated -- this spreadsheet predated the 2015 report?
A. (Widell) It's referring to the "DeWan review".
Q. Okay.
A. (Widell) Which is a different review than the review for historic properties and visual adverse effect.
Q. So, it says here that the DeWan review says it "might change the determination". And did you do an analysis to make that determination?
A. (Widell) Yes. You're look at the Assessment Form that we --
Q. So, that's the Assessment Form?
A. (Widell) Yes.
Q. Okay. So, as far as you're concerned and you understand, the design for this place is, in fact, monopoles?
A. (Widell) That is my understanding, yes.
Q. Now, let's go back to APP16592. This is the next one on your chart. And this is a bungalow on Route 3, in Whitefield, correct?
A. (Widell) Yes.
Q. And this is apparently right next to the existing lines and the right-of-way for the Project, correct?
A. (Widell) Yes.

Q. And you can't see that in this picture, but it's apparently fairly profoundly affected by the existing right-of-way, isn't it?
A. (Widell) No.

Q. No? Okay.
A. (Widell) It is located right next to the right-of-way.

Q. And, so, maybe you misunderstood my question. The property is, at present, profoundly affected by the existing right-of-way?
A. (Widell) It is located right next to the right-of-way, yes.

Q. Okay. And in this, on your chart --

MR. ROTH: Go back to the chart.

BY MR. ROTH:

Q. You note "The line is close and is significantly visible in the main public views of the historic resource." Correct?
A. (Widell) Yes.

Q. And it says "No mitigation possible"?
A. (Widell) Yes.

Q. So, essentially, this one, if the Project goes in, there's nothing anybody can do about it, right?

A. (Widell) I think it would be helpful to clarify this particular resource in the context of your discussion of "significance" and "integrity". Not unlike the bridge, this particular property is significant under C, which is for its architecture. And, so, its views are not considered a significant part of why it is a historic resource, why it is eligible for the National Register. But we included, in the assessment that was done in 2015, Preservation Company and I, all properties that were significant just for architecture.

In the completion of Inventory Forms and completion of effects tables being done now under Section 106, DHR has directed that those properties that are significant only for its architecture, including this one, would not have a visual adverse effect caused by the Project.

Q. But, in your analysis or in the Preservation
Company's analysis, in their report, they talk a lot about the views, don't they?

A. (Widell) Yes. And I think that that is an indication of how conservative and broad we were and exclusive in historic resources related to the significance. If there possibly could be a visual adverse effect on a historic property, even if it was only significant under architecture, we included it. That has now been changed by the Department of Energy, in consultation with DHR, --

Q. Okay. But that's all --

A. (Widell) -- that those properties cannot be affected by the Northern Pass Project.

Q. That all happened since your testimony was filed, correct?

A. (Widell) Yes. But I think it's important to bring that information into our discussion today.

Q. Right. But, at the time you made your testimony, that wasn't part of your thought process. That was something that's evolved since then, correct?

A. (Widell) That my thought process has evolved?
Q. No.
A. (Widell) Not necessarily.
Q. Well, you can't have thought about the things that occurred after you wrote your testimony, when -- at the time you were writing your testimony, can you, unless you're a time traveler?
A. (Widell) Good point. But what I am -- we very carefully thought out the fact that we were including properties that might not necessarily be -- come under being visually affected by the Project. We included them, just to make sure that we looked at every possible property within that Area of Potential Affect that might be affected by the Project. And I think that this is an excellent example of that, how inclusive we were in our assessment, forcing me to make that determination of six adverse effects, and no unreasonable adverse effects, in 2015.
Q. When you did your analysis, and using the 800.5 standards, --
A. (Widell) Yes.
Q. -- or guidelines, if you will, did you consider
whether the addition of the Project infrastructure to the existing lines and infrastructure at this location could cause this property to become neglected? What if, for example, as I believe I heard public statements made, and perhaps even in testimony in this case, people who own this house, or others nearby like it, decide "I can't sell this thing no matter what. I'm just going to walk away." And it falls into neglect. Isn't that one of the indirect impacts that would affect this as an architectural -- as having architectural integrity and significance?

A. (Widell) I'd have to look again at the list of adverse effects under 36 CFR. But I don't think a loss of property value is considered an "adverse effect".

Q. Neglect is, though, isn't it? Isn't that --

A. (Widell) Neglect would be.

Q. Yes. And, so, if this property falls into neglect, because it's abandoned by its owner, that would be an adverse effect, wouldn't it?

A. (Widell) It could be.

Q. Yes. Thank you.
MR. ROTH: Let's look at 16764.

BY MR. ROTH:

Q. So, now, we're looking at the North Road Agricultural Historic District. And you're familiar with that, are you?

A. (Widell) Yes.

Q. And, I believe that the assessment by the Preservation Company found that the property would have significance and integrity, correct?

A. (Widell) Yes.

Q. And that it would be eligible for listing?

A. (Widell) Yes. And the significance, and I think this is important, is under Criterion A and C.

Q. Okay. Thank you. And it also appears that, in its assessment of potential visual effects, the Preservation Company found, on Page 16764, that "The Project will be substantially visible"; "The Project will create a focal point that distracts"; "The Project will be substantially visible in historically significant views from the resources" as well.

A. (Widell) Yes.

Q. And that it will "have an adverse effect" on
this historic district, correct?

A. (Widell) Yes.

Q. All right. And didn't they find that there
would be views up and down -- views promptly --
the Project would "be prominently visible
close-up along North Road", up and down the
line, correct?

A. (Widell) Could I see the page related to that?
Thank you. And just to refresh my memory, I'd
appreciate that.

MR. ROTH: 16765. Can you highlight
the top two paragraphs?

BY MR. ROTH:

Q. It says here "It will be prominently visible
close-up along North Road".

A. (Widell) Yes. I'm just -- I was reading just
to refresh my memory. Thank you.

Q. Okay. And it also found that the scenic views
at this location are a "character defining
feature of the area", isn't that correct?

A. (Widell) Yes.

Q. And, in fact, part of that character was, as I
understand it, Lancaster farmers settled in
this area because they wanted to take advantage
of the scenic views while they were conducting
their farming activities there, correct?

A. (Widell) Wouldn't say -- it says that -- we
have an exact quote actually from 1899, that
says "The earliest settlers were not slow to
recognize the beauty of the scenery, and
generally their houses were located so that the
overlook" -- "the outlook was the best afforded
up their lands."

Q. Yes.

A. (Widell) So, that's the orientation of
their houses.

Q. Yes.

A. (Widell) Yes.

Q. So, that's actually a much nicer way of saying
what I paraphrased. And I appreciate you for
putting the historic piece back in the record.
That's much better.

And isn't it true that the existing lines
out there are wooden H-frame poles 43 feet
tall?

A. (Widell) Yes. They are H-frame, let's see.

Crosses the road.

Q. And that they have been there for 70 years and
are now part of the landscape, correct?

A. (Widell) The 1940s, I'm looking -- yes, "43 feet high".

Q. And isn't it also correct that the assessment provides or shows that the new lines and the relocated lines will be two or more times taller than that's there now. Isn't that correct?

A. (Widell) "70 to 110 feet", according to our review here.

Q. That's the new lines?

A. (Widell) Yes.

Q. So, if they're -- right now, they're 43 feet tall, that's more than two times taller, isn't it?

A. (Widell) Yes -- in some cases, yes.

Q. Okay. And here, at the bottom of 16765, they say "Viewshed maps show views of the Project in relation" --

[Court reporter interruption.]

MR. ROTH: Sorry.

CONTINUED BY MR. ROTH:

Q. -- "in relation to all but a few properties; from the roadside, from the farmyards and
fields and from the front yards, particularly
of the houses on the northeast side of the
road. The greatest visual impact will be when
viewing the farmhouses and farm land in the
immediate vicinity of the transmission line
crossing of North Road...will be seen in both
directions on the road and facing south and
southwest towards the river from multiple
locations. North of the road a pair of new
structures about 0.1 mile from the road will be
visible in historic pasture, with more
structures uphill in the distance."

It sounds to me that this -- the presence
of the Project in this particular area is going
to be fairly prominent and pervasive, is that
true? Do you agree with that?

A. (Widell) It will be very visible. It will be a
focal point. I wouldn't use the term
"pervasive", which I understand to be very
broad. It will be, in that particular area
where the corridor exists, there are -- there's
almost a thousand acres related to this
particular historic district. So, there are a
number of other areas where it will not be
Q. Right. So, --
A. (Widell) But it will be prominent within the area where the transmission line crosses North Road, yes.

Q. It says here, "in all but a few properties; and from the roadside, from farmyards and fields and from the front yards". So, it sounds to me like, for some of these people, no matter what window or door you look out of, and I don't know how this is even possible, you're going to run into this Project. Doesn't it sound like that?
A. (Widell) I can't speak to that precisely, but it is very visible now as well.

Q. And doesn't the Preservation Company also say that "The existing line is minimally visible, because it is lower than the trees that grow on the river bank and on the hills in the background." Right?
A. (Widell) It's lower, considerably lower.

Q. And the tops of the structures will be higher than the existing -- "will be higher than the surrounding tree-tops", that's right? The new
structure will be taller than the trees out there?

A. (Widell) I don't see that in the format. Maybe I'm missing, I'm sorry.

Q. On 66. The first paragraph or the second, sorry. "Tops of the new structures will be taller" -- "will be higher than the surrounding tree-tops and in a few locations will appear taller than the hills in the background and will be silhouetted against the sky."

A. (Widell) Yes.

Q. What does it mean to be "silhouetted against the sky"?

A. (Widell) There is no woods or vegetation behind it to keep from -- forgetting the word -- so that it blends more in the colors. So, against the sky, it is more visible, than if it were against woodland. And as a weathering steel monopole would be less visible -- the contrast, that's the word I'm looking for, between the pole and background woodland. If you have no woodland, it is more visible.

Q. And, if you have a structure that appears "taller than the hills" around it, doesn't that
create the silhouetting, too?

A. (Widell) I don't -- I don't know that particularly.

MR. ROTH: Mr. Chairman, is this time for a break?

CHAIRMAN HONIGBERG: So, we'll break for ten minutes.

WITNESS WIDELL: Thank you.

(Recess taken at 2:42 p.m. and the hearing resumed at 2:58 p.m.)

CHAIRMAN HONIGBERG: Mr. Roth.

MR. ROTH: We're coming into our final approach.

I'm going to ask you to bring up Counsel for the Public Exhibit 441. And the Committee doesn't have this document yet. I only got it myself yesterday afternoon. And this is the -- the front of it is the "Determination of Eligibility" by the Department of -- the Division of Historical Resources form. And, then, we also have the North Road Agricultural Historic District Area Form.
BY MR. ROTH:

Q. And this is one of those inventories that we've been talking about that the Preservation Company or, yes, in this case, the Preservation Company has prepared for the 106 process, correct?

A. (Widell) Yes.

Q. All right. And in this, in the North Road Historic District, they found a fairly extraordinary, maybe that's just my gloss, number of properties in this Historic District, correct?

A. (Widell) Yes.

Q. In fact, this Historic District is 1,423 acres, is that correct?

A. (Widell) Yes.

Q. And that there are 53 properties. And, if we look at 12144 -- no. 12144, and it continues on 12145, and then continues on 12146, these are the properties that are physically located within the boundaries of the Historic District, correct?

A. (Widell) Yes.

Q. And I believe, if I counted correctly, there 
are 19 properties that are noncontributing structures -- properties, I guess it is. I didn't count noncontributing structures, if they were included with a contributing -- included on a contributing property. But, if you count those that were simply noncontributing properties, there were 19 of those. Do you agree with me?
A. (Widell) I'm looking at the contributors, which are a number. I don't see 19, but I will give you that, noncontributors.
Q. And which means there are 34 contributing properties in this place, right?
A. (Widell) Yes.
Q. And that I think it's -- you wouldn't disagree with me that this has a great deal of agricultural history back 200 years, give or take, correct?
A. (Widell) I'm not remembering eighteenth century. If we go back to the green sheet, which is the Determination of Eligibility, I think it's primarily a nineteenth century/early twentieth century agricultural area, from my understanding of the property.
Q. Let's look at 12162. And the "Statement of Significance" there says "North Road's agricultural heritage, dating back to the early 1800s, continues to define the two-and-a-half miles between Middle Street and Whitney Road."

Is that what it says?

A. (Widell) Yes. The 1800s is the nineteenth century.

Q. I said "200 years"?

A. (Widell) Oh, okay. I'm sorry.

Q. If my math is right, --

A. (Widell) I'm sorry. Yes.

Q. That's older than me, but --

A. (Widell) Yes. You're absolutely right.

Q. Yes. And there are still operating dairies out there, aren't there?

A. (Widell) Yes.

Q. Okay. So, this agricultural character of this area is real, it's not a post card. Correct?

A. (Widell) Correct.

Q. And the properties that comprise the district "on whole", as is said on Page 34, I believe, "retain a great amount of their integrity", correct?
Q. And it also says here that the "greatest integrity is in setting and feeling", correct?
A. (Widell) Yes.

Q. It says here --
A. (Widell) "Setting and feeling". Yes. Uh-huh.

Q. It says "North Road has greatest integrity in regards to setting and feeling."
A. (Widell) Yes.

Q. Okay. And I assume you would agree that introducing the Project is going to affect the setting and feeling of North Road?
A. (Widell) Yes.

Q. Okay. And have an adverse effect on that setting and feeling, right?
A. (Widell) Yes.

Q. And you agree that the impact of the Project will diminish the qualities that cause the North Road Agricultural District to be eligible for the National Register, correct?
A. (Widell) Yes.

Q. And looks let's look at your chart. And here
you note that this district is "an important aspect" -- or, "agriculture for conveying an important aspect of Lancaster's history", right?

A. (Widell) Yes.

Q. "Forty properties, more than 100 contributing buildings", yes?

A. (Widell) Yes.

Q. And "scenic views are a character defining feature of the district"?

A. (Widell) Yes.

Q. And your recommendation or your possible mitigation, anyway, is "underground?"

A. (Widell) This chart was not written by me. Actually, I now --

Q. Do you agree that undergrounding through here would be a possible form of mitigation?

A. (Widell) It's a possible form of mitigation in any location.

Q. Okay. And have you or the Preservation Company considered whether undergrounding would be appropriate for this location?

A. (Widell) No, we did not.

Q. Okay. And did you recommend to the Applicants
that they underground through this area?

A. (Widell) No, we did not.

Q. Okay. And you also said here "similar poles and same location?" I'm not sure what that means. Do you have any idea what that means?

A. (Widell) I can tell you precisely, actually, no, I don't, what was done, because I have the mitigation chart that you showed earlier from this assessment report that was done. So, --

Q. I'm asking about this particular comment here, "similar poles and same location", do you know what that means?

A. (Widell) No. I do not.

Q. Okay. And "use H-frames?" Do you know, was that analyzed or modeled by you or the Preservation Company?

A. (Widell) No. We did not model H-frames.

Q. Okay. Did you make recommendation to the Project to use H-frames in this area?

A. (Widell) No, we did not.

Q. Okay. Did you make any recommendations that you know of to the Project about how to mitigate at North Road?

A. (Widell) Yes, we did.
Q. Okay.

A. (Widell) We recommended that six lattice structures be replaced with weathering steel monopoles, and that was done.

Q. So, we will have monopoles, instead of lattice structures, in six locations?

A. (Widell) Yes.

Q. Okay.

A. (Widell) Which is the prominent visual area that extends across North Road.

Q. While she's looking for the exhibit that I want to put up, isn't it true that the monopoles will still be very tall structures, taller than the existing structures?

A. (Widell) Yes.

Q. And will they still rise -- appear to be taller than the hillside in those places, where the Preservation Company identified them as "taller than the hillside" in some places?

A. (Widell) That may be.

Q. And will they still be "silhouetted against the sky" in those places?

A. (Widell) Likely, yes.

Q. Will they still be visible in many of the same
places that were identified by the Preservation Company?

A. (Widell) Yes.

Q. I'm going to show you DeWan's photosimulation of a monopole at the North Road Historic District. And, yes. Here we go. And this is the view that the Applicants' visual impacts expert created. Have you seen this before?

A. (Widell) No. I have not seen this.

Q. Okay. In your view, do you think that this is in any way reflective of minimization or mitigation?

A. (Widell) Perhaps. Let me explain. If that were a lattice structure, I believe that it would be more visually prominent than the monopole. But I would want to compare them visually.

Q. So, the idea of using H-frames was not explored, and instead this monopole is what, and others like it, presumably, are what was adopted?

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

MR. ROTH: Let's look at 16922. Yes, 16922.
Just for the record this last photosim was Applicants' Exhibit 1, Appendix 17, Page 36076. And now we're looking for 16922.

BY MR. ROTH:

Q. And now we're looking at the Northside Road Agricultural Area in Stark.

A. (Widell) Yes.

Q. And you've been to this place, I assume?

A. (Widell) Yes, I have.

Q. Okay. And, here, on 16922, which is Applicants' Exhibit 1, Appendix 18, they find that the Project is eligible, or "potentially eligible", right?

A. (Widell) Yes.

Q. Under Criterion C and A?

A. (Widell) And A, uh-huh.

Q. Okay. And it has integrity. And --

A. (Widell) I would note the first sentence on the top of the form, which states they have integrity as a district as contributors, but individually these houses would likely not meet significance or integrity requirements on their own.
Q. On an individual basis.

A. (Widell) So, it's important that they look -- be looked at as a unit.

Q. Okay. That's good to know. And, then, there's -- so, there's the potential eligibility finding, and then they note that "The Project will be substantially visible in the main public views of the historic resources." Correct?

A. (Widell) Yes.

Q. And "The Project appears to have an adverse effect on the district." Correct?

A. (Widell) Yes.

Q. And, in their analysis -- so, this is 23 -- they point out that one of the reasons is because the property is going to cross the Ammonoosuc and bisect the center of the agricultural district, correct?

A. (Widell) Yes.

Q. And that it's going to effect -- "adversely effect the integrity of the historic setting of this district"?

A. (Widell) Yes.

Q. Okay. And, in your chart, let's go to the...
chart, the last box, you note that the "line roughly bisects the district". It's "close and is significantly visible in the main public views". And that the "new structures are shifted closer to the road, away from the river". And the "tallest structure looks like it's closest to the road". "Similar effect to the Lancaster district". And I assume, by that, we're talking about the North Road that we just looked at a few minutes ago?

A. (Widell) Yes. I didn't write this document, but that is what it says, yes.

Q. Okay. And do you agree with that?

A. (Widell) "Effect similar to Lancaster district." I believe that, yes, they were proposed to be lattice structures as well extending across agricultural land setting. So, yes, it is similar to Lancaster.

Q. Okay.

A. (Widell) Specifically, North Road.

Q. Yes, the North Road.

A. (Widell) I think that's what they're referring to, yes.

Q. Yes. And you agree with that?
A. (Widell) Yes.

Q. Okay. And the recommendation here is "Shift locations of structures? H-frames?" Now, do you know whether any of that has been done, whether they shifted structure locations?

A. (Widell) I can tell that precisely the lattice structures will be replaced with weathering steel monopoles in this area. That was a minimization that was done for this particular historic district in Stark.

Q. Okay. But the suggestion here of "shifting locations of structures", was that done?

A. (Widell) No. It was not done, as far as I know.

Q. How about H-frames?

A. (Widell) No. H-frames were not done, as far as I know.

Q. Okay. Did you ever do any analysis of whether those two suggestions might be effective?

A. (Widell) I did not do an analysis, no.

Q. Did the Preservation Company?

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

Q. Do you think that the use of the monopoles that is shown or that you just mentioned is going to
actually make a difference here and save this place from an adverse impact?

A. (Widell) No. I determined that it was an adverse effect. I can tell you that it was not chosen to be surveyed by DHR, but it is included in the cultural landscape.

Q. Okay. But, in term of, you know, when we spoke this morning about the property showing a potential adverse effect, you mentioned this one as being put together with the Leighton Farm as a cultural landscape, correct?

A. (Widell) Yes. That's what I just stated to you. Yes. It's part of the Upper Ammonoosuc cultural landscape study area.

Q. Which we haven't seen yet?

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

Q. But, in doing that, nothing about the monopole design has taken it, by itself, has taken the Northside Road Historic District off of your list of potential adverse effects?

A. (Widell) It is taken off of my list of Northside Road -- of adverse effects. Yes, it has been.

Q. That's not -- you answered a different
A. (Widell) I'm sorry. Please repeat the question. And I didn't intend to not answer your question.

Q. Okay.

A. (Widell) I just misunderstood it.

Q. I understand that you have taken it from your list, because I put little Xs next to it here on my copy --

A. (Widell) Yes.

Q. -- of your list.

A. (Widell) Yes.

Q. And that's because it got put together with the cultural landscape.

A. (Widell) Yes.

Q. I get that. What I'm asking you is, did the fact of using weathering steel monopoles at the Northside Agricultural District, does that in and of itself or would that in and off itself take the Northside District off of the adverse effects list?

A. (Widell) No.

Q. Okay. Aside from it being reconsidered in the cultural district, in your opinion, will the
introduction of the Project result in the loss of integrity of this district, which would cause it to be ineligible for the National Registry?

A. (Widell) No. I do not believe it would not be eligible for listing on the National Register.

Q. Would the Project result in the loss of integrity?

A. (Widell) Yes, it would.

Q. Okay. And I assume, from your previous answers, you don't believe that the impacts at the North Road -- Northside Road, see, I'm making the same mistake you did, the Northside Road Agricultural District are unreasonable?

A. (Widell) I don't apply that "unreasonable adverse effect" to individual properties.

Q. Okay. So, now, the last one on your spreadsheet is the next property in Stark, and that's 405 Bell Hill Road.

MR. ROTH: And if you could take us to 16967.

BY MR. ROTH:

Q. And this is Applicants' Exhibit 1, Appendix 18, Page 16967. And this is an individual farm
property, and I assume -- or maybe I shouldn't assume. Is this part of the Northside Road Agricultural District?

A. (Widell) It is not.

Q. Okay.

A. (Widell) It's a separate farm on Bell Hill Road. It is very close.

Q. Okay. Will it be part of the Northern Ammonoosuc cultural landscape?

A. (Widell) I know that it was part of the study area. I'm not completely sure it's going to be included. But I would assume so. It's close enough.

Q. Okay. And, so, in its Assessment Form here that's on the screen, the Preservation Company found that it had significance and integrity, right?

A. (Widell) We jointly found that, yes.

Q. And it appears to have potential for listing, correct?

A. (Widell) Yes. We believe that it appeared to be eligible, yes.

Q. And that, on the next page, if we go to 68, the Project is going to be "substantially visible
in the main public views of the historic
resources", correct?

A. (Widell) Yes.

Q. And that "The Project appears to have an
adverse effect on the property"?

A. (Widell) Yes.

Q. Okay. And, so, if we look at the analysis of
the effects, 16969, there are a couple of
things going on here that are causing the
Preservation Company to make this
determination. And that appears to be that you
have monopoles that -- and for the new line
will be 105 to 115 feet tall, and that the
existing line will be on monopoles 79 to 92 and
a half feet tall, correct?

A. (Widell) Did you say "79"? I have "43 to 53".  
I have "43 to 53 feet tall".

Q. That's what's going on now. That's the
existing. But the new --

A. (Widell) Oh, yes, I see. Yes. I see, yes.  It
will be 105 to 115, and the 115 will be 79 to
92.5, yes.

Q. And that there are going to be "vegetative
clearing along the southern edge"?
A. (Widell) Yes.

Q. And that there's going to be "six pairs of structures visible [from this property] above the trees on the hillside and four pairs will break the horizon".

A. (Widell) Yes.

Q. What does "breaking the horizon" mean?

A. (Widell) In this particular case, it would be able to see them at the top of the hill. So that they are what they call "skylighted against the sky".

Q. So, this is similar to "silhouetting"?

A. (Widell) Yes. I think that's probably similar. I'm not an expert on that definition. But, yes, I believe that's how it's used.

Q. And this would also be similar to saying that it "appears taller than the hill behind it"?

A. (Widell) Actually, it extends on the top of the hill in this particular case, as we saw it.

Q. So, it's on the top of a hill?

A. (Widell) Yes.

Q. Okay.

A. (Widell) At a distance away from the farm itself.
Q. I don't have a simulation of this.

A. (Widell) I think there's probably more photographs in this form, since it's 19 pages long, that might be helpful in illustrating it.

Q. In the -- now, in the analysis that was done in the Assessment Form, they looked at it from the perspective that there were already monopoles being used here, correct?

A. (Widell) Yes.

Q. So, these adverse impacts are being -- that would result from this proposal would be experienced as a result of monopoles, not some other, you know, not lattice structures?

A. (Witness Widell nodding in the affirmative).

Q. You have to say "yes" or "no". You can't just nod, sorry.

A. (Widell) I'm sorry.

Q. Is that correct?

A. (Widell) Yes. Yes. Yes, the monopoles are for the 115 kV. What I'm nodding is, they proposed four monopole structures in the new ones, yes.

Q. Yes.

A. (Widell) And, originally, I believe they were lattice. And that was changed as a way to
Q. But the analysis done by the Preservation Company, and you, I guess, is that, even with monopoles being placed here, they will still have an adverse effect.
A. (Widell) Yes, that is --
Q. Right?
A. (Widell) Yes.
Q. And let's look at the chart again. So, now, this is back to the chart. And this is the last box on the chart, you may be happy to learn. And it says that it's going to be -- that this property has a "vista of open land and surrounding hills is character defining", correct?
A. (Widell) Yes.
Q. And that the line will be "clearly visible in the main public views of the barn and open land." Correct?
A. (Widell) That's what it says on the form.
Q. Yes.
A. (Widell) Uh-huh.
Q. And "Modeling suggests that the proposed line will be visible and will rise above the
hilltop." Correct?

A. (Widell) That's -- yes.

Q. And was that your modeling or DeWan's modeling?

A. (Widell) We definitely modeled that, yes.

Q. Okay. And you didn't operate that model, as we discussed I think yesterday, that was done by the Preservation Company?

A. (Widell) Two trained individuals that were trained by Terry DeWan, yes.

Q. Yes. Okay. And, so, --

A. (Widell) And it's not 3D modeling, it's technically Google Earth. So, it's not, you know, any special program or anything.

Q. So, they just used Google Earth and made that determination that it's going be -- it will rise above the hilltop?

A. (Widell) No. You have the information, the data layer that shows precisely where the transmission line and corridor are going to be, and precisely the conductors and the drop of the conductors, and the height of the structures. So, it shows you a great deal of information.

Q. Okay. But we don't have those people in front
of us or any of that technique, any details
about that technique, do we, other than what
you've just told us?

A. (Widell) No, not about the technique. But I
believe, once again, if you go to other pages
of that Assessment Form, you will see printed
out some of the information that shows --

Q. The Google Earth printouts?
A. (Widell) Yes.
Q. Yes. Okay.
A. (Widell) In the Assessment Form.
Q. And, in any case, they find, using that
technique, for good or bad, they found that
it's going to rise above the hilltop?
A. (Widell) Yes.
Q. Yes. And the suggestion made here as possible
mitigation is "reduce structure height".
That's it?
A. (Widell) That's what's stated here, but --
Q. And do you know whether that was done?
A. (Widell) I do know what was done, which was
lattice structures will be replaced with
weathering steel monopoles in the area.
Q. But that was -- but wasn't that already
accounted for when --

A. (Widell) Yes.

Q. -- when you and the Preservation Company reached their conclusion here?

A. (Widell) Yes. But it was viewed as a way of lessening the visual effect.

Q. But, on this chart, you guys said "reduce structure height". And, so, --

A. (Widell) I didn't necessarily say that. I did not -- I'm not the author of this chart.

Q. So, if I'm looking at this, and I say "okay, they have assessed it as having monopoles, and those monopoles are going to rise above the hillside, and they're going to be prominently visible", and all the other conclusions that we just talked about, and the response from the experts is "reduce structure height", and you're telling me that the response to that was "monopoles", that seems rather circular, doesn't it?

A. (Widell) No. In my experience in working with the engineers on looking for avoidance and minimization techniques, they have listened to, in each case, as was expressed in the
Assessment Form for the list of minimization techniques that were adopted for each of the properties you've just reviewed, that they seriously considered and moved forward on our recommendations where it was technically feasible to do that.

Q. Okay. But the assessment of adverse effect was made with the monopoles, and apparently no consideration was given to the recommendation of "reduce structure height". Is that correct?

A. (Widell) I don't know that that was our recommendation. I don't know where that information on this particular chart came from.

Q. Well, this was provided, as we went over, this was provided to us when we asked you this question "what have you suggested?" And this is what we got.

But have you -- do you remember doing any analysis of reducing structure height as mitigating or minimizing the effect at this property in Stark?

A. (Widell) No. I do not remember lowering structure heights as a minimization technique at this particular property.
Q. Okay. And I think it's fair to say that the Applicants have not redesigned to lower structure heights, as was suggested here?

A. (Widell) I'm not sure of that.

Q. And, so, the conclusion is still that, with the monopoles, there's still an adverse effect on this property?

A. (Widell) Yes.

Q. Okay. All right. Now, we're going to talk about a few properties in places that were not covered on your spreadsheet, and which were nevertheless analyzed by you and the Preservation Company. And, apparently, other entities also participated in some of these analyses.

The first one that I wanted to bring up is the Windswept Farm, in Canterbury.

MR. ROTH: And can you pull up 410?

BY MR. ROTH:

Q. And this is the Counsel for the Public Exhibit 410. It is the Individual Inventory Form for Windswept Farm, in Canterbury.

MR. ROTH: Go to 181470.

BY MR. ROTH:
Q. And in here, in this analysis, under the "Criteria Statement of Significance", the Preservation Company found that "Windswept Farm is eligible" using "Criterion A for association with Agriculture and Criterion C in the area of Architecture", correct?
A. (Widell) Yes.
Q. And, if you go to the next page -- actually two pages, 72, you see this is a diagram of the parcel.

MR. ROTH: Can you blow up the diagram?

BY MR. ROTH:
Q. And, in this diagram, you see there's the -- the existing right-of-way cuts across kind of the back third of the property, like that, right? And it appears that the buildings associated with the property are located along the southern -- the southeastern edge there on Old Schoolhouse Road, correct?
A. (Widell) Yes.
Q. And is Old Schoolhouse Road a public way?
A. (Widell) No, it is not.
Q. And is the Windswept Farm a public
accommodation of some sort?

A. (Widell) Yes. It's a riding stable, I believe.
And I don't know if people might leave -- keep
their horses there, I'm not aware of that.

Q. Yes.

A. (Widell) But there's a number of newborns on
the site.

Q. Yes. So, isn't it true that Windswept Farm is
used for people who board their horses?

A. (Widell) I will take your word for it.

Q. Okay.

A. (Widell) It appeared like that when I visited
the site.

Q. And go there for riding lessons?

A. (Widell) It appeared that way, yes.

Q. Okay. And that, if you board your horse there,
aren't you going to go and ride around the
property?

A. (Widell) It looked like people were doing that,
yes.

Q. Yes. And I believe that we had a
representative from Windswept Farm speak at one
of these -- at one of the public comment
sessions, and they exclaimed that they wanted
to use this property or they were, in fact, using this property as a wedding venue or an events venue. Were you aware of that?

A. (Widell) I am not aware of that.

Q. Okay. In any event, you would agree that the property is essentially a public accommodation at least for in the riding area, and, according to those statements, for other reasons as well, right?

A. (Widell) It's a commercial venture, yes.

Q. Okay.


BY MR. ROTH:

Q. So, I think this is our first peek at an effects table for a property. This is Counsel for the Public Exhibit 412. This is the effects table for Windswept Farm. And this was provided to us by the Applicants two or three days ago, if I'm not mistaken about that.

And it notes the evaluation, and I guess I would say, as a general matter, looking at this first page, you can see that they use "800.16(1)" definition of an "effect", correct?
A. (Widell) Yes.

Q. And, then, in the brief evaluation here on the front, they analyze it for criterion -- I guess for "significance under Criterion A"?

A. (Widell) Yes.

Q. And here they say "The proposed project will be in an existing right-of-way that crosses the very southwest corner...a third of a mile west of the historic buildings. It will be visible from within the property and from the dead-end road to the west of the historic buildings."

That's Schoolhouse Road that --

A. (Widell) Yes.

Q. -- you said you don't think is a public way?

A. (Widell) Yes.

Q. And it's being evaluated because the Project has a potential -- or, has "an effect on the farm, because it has the potential to alter its setting, which is a character-defining feature of its agricultural significance", right?

A. (Widell) Yes.

Q. Okay. And, if we go to the next page, this is the table. And I think, for the benefit of the Committee, and this is new to me in the last,
you know, two days, that here we track the
examples in 800.5, you know, 36 CFR
800.5(a)(2), to where the Preservation Company
goes through and makes determinations about
these various examples that are expressed in
the regulations, correct?

A. (Widell) Yes.

Q. And it says "no change in use"; "no historic
physical features"; "project will not introduce
visual elements that diminish the integrity of
the setting", etcetera, right?

A. (Widell) Yes.

Q. "The corridor and the field are not a
calendar-defining feature of the property's
agricultural significance." That's what it
says?

A. (Widell) Yes.

Q. And "visibility [is] only from the adjacent
open field and west end of the dead-end road."
Correct?

A. (Widell) Yes.

Q. Aren't significant views on this property
pretty much anywhere a horse and rider can go,
including directly under and along the
right-of-way?

A. (Widell) No. This is an eighteenth century property. So, the significant views are related to the parcel that is associated with the eighteenth century building. I believe that there is a second parcel that is now part of this property that was acquired in 1973, and is used for recreational horseback riding, and is adjacent to the existing right-of-way.

Q. So, you don't think that riders and visitors to this property, whether they're wedding guests or equestrians, who come to the lovely old farmhouse here for Windswept Farm, the barns, and they ride out and find the Project aren't going to associate that with the setting of the farmhouse and the barn?

A. (Widell) I don't know what they will associate it with. But it's already an existing right-of-way where riding takes place.

It is somewhat -- somewhat set away from the eighteenth century property, too. Intervening between the eighteenth century house are riding stables of new construction.

Q. Okay. Now, we're going to jump a little bit
north and go to Dana Hill, in New Hampton. And we're going to look at Counsel for the Public Exhibit 404. And this is the Area Form that was done for Dana Hill, correct?

A. (Widell) Yes, it is.

Q. And was this done by the Preservation Company and you?

A. (Widell) Yes.

MR. ROTH: So, let's look at

APP15878.

BY MR. ROTH:

Q. So, this, what we're looking at, is Applicants' Exhibit 1, Appendix 18, Page 15878. And this is the assessment that was done by the Preservation Company for the Dana Hill Agricultural District, correct?

A. (Widell) Yes, in 2015.

Q. And the Preservation Company found there were 974 acres here, is that correct?

A. (Widell) I believe that is what --

Q. Sound about right?

A. (Widell) Yes.

Q. And there are 15 houses? Maybe this is in 404.

A. (Widell) I'm looking for it precisely, but --
Q. Yes. Let's see here. It's getting late.

A. (Widell) Yes. It has 15 houses in the District.

Q. Okay. Thank you. You beat me to it. Fifteen houses and eight barns?

A. (Widell) Uh-huh.

Q. "Dozens of other agricultural buildings", is that what it says?

A. (Widell) Yes.

Q. And the Dana Meeting Hall, which is already a National Register listed property, correct?

A. (Widell) Yes. I think it's called the "Dana Meeting House". But, yes.

Q. "Dana Meeting House". Okay. Thank you. And the Preservation Company found that it's likely eligible, but not adversely affected, correct?

A. (Widell) Yes.

Q. And they found this, I think, they found that it was significant and had integrity, but the views were distant and limited, correct?

A. (Widell) Yes.

MR. ROTH: And let's see 431.

BY MR. ROTH:

Q. So, this is the effects table that was
presented a couple of days ago, for this site. And it says, because it "has the potential to alter its setting, which is a character-defining feature of its agricultural significance", it's being evaluated as having a possible effect, correct?

A. (Widell) Yes.

Q. And does that suggest to you that, even though the Preservation Company found in its first assessment that the Project would not have an adverse effect, that, in fact, it may have an adverse effect, based on the analysis in the effects form?

A. (Widell) No. If you look over to the left, on that first page of the effects table for Dana Hill Agricultural District, which you are referencing right now, on the left, top of the left-hand side of the screen, we say it "may occur where there is alteration".

Q. Okay.

A. (Widell) So, you are always looking at that.

Q. It also says "Recommended Finding: Historic Property Affected". Right? On the front page?

A. (Widell) Yes.
Q. And, then, on the next page, on 67, they go through the various pieces of 800.5(a)(2). And in the middle there you can see it says "views...will be distant...a mile away...limited in scope", right?
A. (Widell) Yes.
Q. And then would recommend a finding of "No Adverse Effect"?
A. (Widell) Yes.
Q. Is that because of vegetative screening?
A. (Widell) No. It discusses in the effects table, on Page 5, --
Q. Well, I --
A. (Widell) And it begins primarily with the distance of the Project to, and so there are very limited views.
Q. So, it's distance and vegetative screening?
A. (Widell) I would have to go through the adverse effect evaluation to give you more information. I would be happy to do that, but you would have to give me an opportunity to read it.

MR. ROTH: Let's look at 15882. And blow up the box.

BY MR. ROTH:
Q. And the next to the last sentence here, Preservation Company said "It appears that most potential views of the Project will be lessened by the distance from the Project," which you've already said, "and by intervening forested areas and hills", correct?

A. (Widell) Yes.

Q. And, so, when you did your analysis of this, you didn't do a bare-earth analysis?

A. (Widell) We did not do a bare-earth analysis.

Q. Okay. And, so, if the vegetative screening was removed -- well, let me ask this question first. So, the line at this point, in some places long this route, from Dana Hill, is only a quarter mile, right?

A. (Widell) It states in the document, I can -- at one point it's "2.75 miles". It's -- "the view of the Project would be to the southwest, climbs a forested hill on the other side of the river in Bristol, approximately 1.3 to 1.5 miles". Another portion of it, "1 to 1.5 miles".

I do not see as close as what you were stating in this, in my quick review of this
discussion of the adverse effect evaluation on Page 5 and 6.

Q. Yes. I can't find it either.

MR. ROTH: Go back to 15878.

BY MR. ROTH:

Q. And here, in the middle of the second paragraph, it says "Dana Hill Road is between 0.62 miles and 1.18 mile from the existing line." And somewhere I got a quarter mile, and it's clearly not from that. Some of these properties have locations that are closer than that 0.62 miles, that may be it. I'm not going to belabor that point. And, if you had done a bare-earth analysis, instead of the forested view, would the Project be much easier or much more plainer to see?

A. (Widell) I can't -- I can't conjecture on that.

Q. Do you have any reason to believe that the tree cover that exists between the Dana Hill Road -- the Dana Hill Agricultural District and the Project and the existing right-of-way will remain indefinitely. Is it protected by anything?

A. (Widell) I do not know.
Q. And you understand, of course, that forestry is an important industry in New Hampshire?
A. (Widell) Yes.
Q. Okay. And, if the trees weren't there, do you think the Project would have an adverse effect?
A. (Widell) That would be speculation. I don't know. I can't answer that.
Q. Now we're going to look at Plain Road Historic District, in the Town of Dummer. And that's the -- as I understand it, and I may be mistaken about this, but it appears to me that the Preservation Company -- neither you, nor the Preservation Company, picked up the Plain Road Historic District when you did your initial analysis, is that correct?
A. (Widell) Yes. Let me explain. We did not identify it as a historic district. We did identify some historic properties individually in that area.
Q. Okay. But there's nothing in the book about the Plain Road Historic District?
A. (Widell) That's correct.
Q. And the book does have other historic districts --
Q. -- that are described, correct?
A. (Widell) Yes.

Q. And, after consultation with DHR, you and the Preservation Company -- actually, it wasn't the Preservation Company, it was VHB, went back and did an Area Form for the Plain Road Historic District, correct?
A. (Widell) Yes.

Q. And that's 401? Yes. And this is Counsel for the Public Exhibit 401. And this is the Plain Road Historic District Area Form. And you're familiar with this form?
A. (Widell) Yes. I have reviewed it.

Q. And, on Page --

MR. ROTH: Go to 306 [180306], Page 3.

BY MR. ROTH:

Q. It says "The survey of the Plain Road Historic District resulted from a recommendation in the Project Area Form for Northern Pass - the Great North Woods Region", correct?
A. (Widell) Yes. That's the Project Area Form that was completed by the Department of Energy,
as the lead federal agency in the Section 106 process.

Q. Okay. And, apparently, this is a fairly complicated historic district, isn't it? As it has archeological resources, as well as above-ground resources?

A. (Widell) Many historic districts have both, but -- so, yes, it has a broad variety of cultural resources in it.

Q. Okay. And it was found in this analysis in the inventory or the Area Form that this district had -- was eligible, under Criteria A and C, and potentially under Criterion D, too, right?

A. (Widell) Yes.

Q. And, in their analysis of the VHB folks who did this, found that, and I'm looking at 324, "the Plain Road District retains integrity of location, feeling, setting, association, design through its landscape features and above-ground resources", right?

A. (Widell) Yes.

Q. And it describes it as "a well-preserved landscape with intact 19th and early 20th century patterns of spatial organization,"
circulation networks, boundary demarcations, and buildings." Correct?

A. (Widell) Yes.

Q. And they say that it has -- "retains a high degree of integrity of feeling and association". Isn't that what they found?

A. (Widell) Yes. I see that. Uh-huh.

Q. Yes. And now there's been an effects form prepared for this as well, correct?

A. (Widell) Yes.

Q. And I'm putting up Counsel for the Public Exhibit 427. And, in this effects form, there was again an assessment, because it has the potential to alter -- the Project "has the potential to alter the area's setting and views, which are character-defining features...under Criterion A", correct?

A. (Widell) Yes. Uh-huh.

Q. And then they went through the analysis under 800.5(a)(2), and determined, after looking at basically three of the categories, that there would be no adverse effect, right?

A. (Widell) Yes.

Q. When I read the analysis on Page 3 of this
document, which is 915, I come to the conclusion or it seems to suggest to me that the consultants found there wouldn't be an adverse effect, because the Project, like in many places, goes through existing right-of-way, right, and that's surrounded by forests?

A. (Widell) Yes.

Q. And that there's one road crossing, right?

A. (Widell) Yes.

Q. And do you know whether this forest is protected from harvesting?

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

Q. Okay. Do you know whether the forest that's in question here is, in fact, perhaps a working industrial forest?

A. (Widell) I do not know that.

Q. Okay. Do you know whether the Project and the existing line, once relocated, will rise above the treeline and be visible, where presently it is not?

A. (Widell) I did not read through, right now, the adverse effect evaluation. But I would think that it would characterize precisely the
Project and its -- the height of its structures, and the effects of those changes to the existing right-of-way and structures to the Historic District. I can look at it quickly, if you would like me to?

Q. Well, just from your recollection, do you recall doing any modeling or looking at any modeling to determine whether the Project towers would rise above the existing treeline?

A. (Widell) No. We did not do any modeling. I visited the site, and was there very recently, as a matter of fact. So, no. The existing corridor crosses Plain Road and is going through pretty dense forest.

Q. So, the nifty viewshed stuff that you did using Google Earth, you didn't apply in this case?

A. (Widell) No.

Q. Okay. And do you know how close the towers will be to the road?

A. (Widell) I do not know that. It would be in the discussion of the evaluation.

Q. But you don't know?

A. (Widell) It's in the evaluation.

Q. So, you don't remember that?
A. (Widell) I don't remember it, no, from --
Q. Okay. And do you know what type of towers are
going to be erected in this place?
A. (Widell) It states it in the discussion of the
Project in the effects table.
Q. But you don't remember yourself what that is?
A. (Widell) I don't remember -- well, the site
visit would only show me what the existing
structures would be, not what the proposed ones
would be.
Q. And I assume, nevertheless, you still agree
with that effects evaluation, that the Project
will not have an adverse affect at the Plain
Road?
A. (Widell) Yes.
Q. Okay. Now we're going to go to Page Hill
Agricultural Historic District.

MR. ROTH: Let's look at 16566, APP.

BY MR. ROTH:
Q. So, in the assessment, this was simply
described as two addresses on Twin Mountain
Road, in Whitefield, New Hampshire, correct?
A. (Widell) Yes.
Q. And, when the assessment was done by the
Preservation Company, they did not look at the entire Agricultural -- Page Hill Agricultural District, which had been determined eligible for National Register in 1999, and instead focused on these two buildings, correct?

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

Q. Well, did you -- you said you participated with the Preservation Company on this report. And does the fact that they looked at 58 and 91 Twin Mountain Road, and not the entire Historic District, is that evident from you or is that consistent your memory?

A. (Widell) Only two properties were looked at because they were the only two in the Historic District that were in the APE.

Q. Okay. So, even though the rest of the Historic District was just outside the APE, you didn't look any farther than the APE, correct?

A. (Widell) The historic properties that were in the APE, yes. Yes.

Q. And you just drew that one mile line there, and you said "not looking any further"?

A. (Widell) No. The viewshed mapping, which is also properly in this assessment report, would
indicate where a viewshed might be possible within the APE or immediately adjacent to it.

Q. And did you make any analysis, either with the viewshed mapping or otherwise, to look and see if there's any places in the Page Hill Historic District that you should have looked to see if the APE ought to be expanded to include other parts of the District, or the whole District?

A. (Widell) No.

MR. ROTH: Can you go to 69?

BY MR. ROTH:

Q. And here, on Page 16569, you and the Preservation Company found that, nevertheless, that these houses were "National Register eligible based on visually related areas of significance", correct?

A. (Widell) It would -- they are contributing buildings in an historic district. So, the significance would have been for the whole District. And, yes, those properties would, if they were contributors, would have had that significance as well.

Q. So, in this analysis and in the assessment, you basically assumed that, because they were in
the District, that therefore -- and they are
contributing to the District, that therefore
they were eligible, is that --
A. (Widell) The entire District had determined
eligible in 1999. So, this information had
been obtained from the records of DHR.
Q. Okay.
A. (Widell) I believe it had been done by the
Department of Transportation for New Hampshire.
Q. Okay. And is an agricultural district only a
visual thing or could its significance be
related to other criteria, not visual?
A. (Widell) Oh, of course, it could be related to
even all of the criteria. You could have
archeology, it could be associated with a
famous farm, personality that had created, so
it could have -- and architecture, too, of
course.
Q. But, if you take away -- but architecture is
another visual category, right?
A. (Widell) It can be.
Q. Okay. And, if you take away, you know, you
assume with me for a moment that there's nobody
famous from the Page Hill District, and I don't
mean to disregard somebody who may be from the Page Hill District and who is famous, standing just as an agricultural district, could it have significance under some criteria that were other than visual?

A. (Widell) Well, the significance is related to broad patterns of history. So, the visual is dealing with setting, landscape, viewsheds. Significance has to do with broad patterns of history, biography, architecture, engineering, or likely to yield. So, you're kind of mixing up the two.

Yes, it could have significance, in addition to agricultural or a visual significance, of course. Yes. It might have things on the landscape, vegetation that's important, buildings that are important, dooryards, barnyards, paddocks, barns, all kinds of things, yes.

Q. But those things are -- those things can be largely visual, right? Isn't --

A. (Widell) Well, they're also, and if you want me to get into some detail, I'm happy to do that.

Q. No, I'm just asking you a question.
A. (Widell) I mean, you find spatial relationships between fields and things like that.

Q. Okay. But the buildings and structures and stuff, those things are largely visual? Their relation to one another is something else. But simply looking at a building, it's a visual thing?

A. (Widell) No. It also conveys all the other aspects of integrity, because you have workmanship, you have materials, you have design. So, buildings --

Q. But that's integrity, that's not significance. I'm trying to understand the significance. And, so, in terms of significance, an agricultural district could be significant, because it's exemplary or represents a way of organizing a community to produce farm products.

A. (Widell) Yes.

Q. Right?

A. (Widell) Yes.

Q. Okay. And that's not necessarily a visual thing, is it?

A. (Widell) That's correct. Yes.
Q. Okay. And, in this assessment of the two properties, the Preservation Company and you found that there would be "no adverse effect" on these two properties, correct?

A. (Widell) Yes.

Q. And then you did an update in 2016, I guess, of the '99 -- of the 1999 work that was done to establish the Page Hill Agricultural Historic District, correct?

BY THE WITNESS:

A. (Widell) It's an update, actually, not of the Assessment Form, the survey -- the Inventory Form, is an update of the what we call "Determination of Eligibility" for the District that was done in 1999.

BY MR. ROTH:

Q. So, I'm showing Counsel for the Public Exhibit 405, which is the Area Form of Page Hill Agricultural Historic District-Update, you see that?

A. (Widell) Yes.

Q. And this was done by the Preservation Company also?
Q. And, in this case, go to 108 [181108], instead of just the two properties that were looked at for the assessment, this time they looked at nine different places, correct?

A. You are comparing two different things, in that we, in the Assessment Form in 2015, we looked at the entire District. But we did the assessment of effects on the two properties where, through viewshed mapping, there is an indication there might be an effect. We took the entire District into account in determining that.

This new Inventory Form is not doing an assessment on effect. It is updating what had been determined entirely eligible in 1999. So, they're different.

Q. I understand. But what I understand from the assessment is you did an assessment of 58 and 91 Twin Mountain Road.

A. Yes.

Q. And, in the "Property Description and Setting", there's some mention of the rest of the District. But I think you made it pretty clear
that you stopped your assessment at the edge of
the APE, right?

A. (Widell) Yes.

Q. And, so, when you made the assessment and
determined that there was no -- there was no
adverse effect, it was based on just those two
properties, correct?

A. (Widell) Yes.

Q. Okay.

A. (Widell) Because those were the only properties
likely to have -- be visually adversely
affected by the Project and were in the APE,
yes.

Q. Okay. And, then, but for this Area Form, the
analysis of you and the Preservation Company
turned to all nine of the properties within the
Page Hill Historic District? You did an
analysis, not an effects analysis, I understand
that, but you did a review, you looked at the
integrity and the significance of everything,
and at least to update it, correct?

A. (Widell) Yes.

Q. Okay. And isn't it true that they found that
the Historic District, despite the passage of
19 years or 18 years, since 1999 anyway, has retained its significance and integrity, correct?
A. (Widell) Yes.

MR. ROTH: Can we take a quick five-minute pause?

CHAIRMAN HONIGBERG: Yes, we can.

(Recess taken at 4:14 p.m. and the hearing resumed at 4:19 p.m.)

CHAIRMAN HONIGBERG: All right. Now you can go.

BY MR. ROTH:
Q. I'm showing --

MR. ROTH: Well, go back to that --

BY MR. ROTH:
Q. So, on this table that shows the various properties in Page Hill, the first two, 58 and 91 Twin Mountain Road, were ones that were analyzed in the assessment, correct?
A. (Widell) Yes.
Q. And, then, the remaining, the other seven were not, is that correct?
A. (Widell) They were not assessed. They were
Q. Yes. They were mentioned --
A. (Widell) Yes. Uh-huh.

Q. -- in the property setting and description, --
A. (Widell) Right. Right.

Q. -- but they were not assessed for effects at all, correct?
A. (Widell) It was not necessary. Right.

Q. And is it your -- is it your belief that these other seven properties are outside of the APE?
A. (Widell) Yes.

Q. And do you know how far outside the APE any of them are?
A. (Widell) No, I do not.

Q. Okay. Now, let's look at 433. So, after updating the -- providing the updated Area Form that we just looked at, there was then prepared an effects table. And this was given to us just a couple of days ago, right? And this is Counsel for the Public Exhibit 433. And there the finding is, again, there may be effects, because the Project might alter the District's defining qualities of significance under Criterion A, correct?
A. (Widell) Yes.

Q. And they, in here, on Page 3 of this document, which is -- okay. In here, they note that the new line goes through the District with a road crossing, and that it's going to raise pole heights of the existing right-of-way and the new right-of-way pretty significantly, isn't that correct?

A. (Widell) Yes, from "41 to 64", to "80 to 100 feet".

Q. Okay. And they note that "the Project will be visible throughout the District, to as much as nearly a mile away", is that right? And that's on the next page, if you would.

A. (Widell) And I don't see where you're stating it. It says, in the effect evaluation, on Page 4, that "Viewshed mapping indicates the Project could be visible from the open fields on both sides of Twin Mountain Road and from the historic buildings."

Q. It says here "At a distance between 0.8 and 1.5 miles, the Project could be no more than minimally visible from Twin Mountain Road", correct?
Q. Which means that at least it is actually visible, if only minimally, right?
A. (Widell) Yes.

Q. And they still make a recommendation of a finding of "no adverse effect", is that correct?
A. (Widell) Yes.

Q. And do you think that the Page Hill Agricultural Historic District will suffer any diminishment of its integrity by the introduction of the Project?
A. (Widell) No.

MR. ROTH: And I can see the light at the end of the tunnel. And it's not the train.

BY MR. ROTH:

Q. I want to look at the Deerfield Historic District. And, in this one, as I understand it from Attorney Bisbee, because this -- because the Deerfield Historic District is already listed, there isn't going to be another Area Inventory Form, is that correct?
A. (Widell) Yes. The area is already listed, the Historic District is already listed on the
Q. But why no update?
A. (Widell) You would have to ask the DHR for that. They are deciding which properties need to be updated or not. The difference between Deerfield and Page Hill is that the Page Hill Historic District was what we call a "DOE", which is "Determination of Eligibility", rather than an actual National Register --
Q. Oh, I see.
A. (Widell) District Form that went through the process, whereas Deerfield was actually listed on the National Register, and therefore there's a completed form. So, that's the difference between the two.
Q. Okay. And, so, you didn't ask them "why no update" and "why no Area Form", like was done in many of these other instances?
A. (Widell) I did not ask them, no.
Q. Okay.

MR. ROTH: And let's look at APP14874.

BY MR. ROTH:

Q. Now, it looks to me that the analysis here was
necessarily, perhaps, and understandably somewhat cursory, in terms of determining significance and integrity, correct? They simply referred to the earlier -- the 2002 nomination listings?

A. (Widell) That would be normal, because the complete information about significance and integrity, boundaries, and historic photographs and contributors would all be already identified in a National Register nomination.

Q. Yes. And they -- and again found that these were "based on visually related areas of significance", but there's no analysis of that. It simply refers back to the 2002 nomination forms?

A. (Widell) Yes.

Q. Okay. And I have a feeling Ms. Menard is going to ask you a lot more questions about this when she gets her turn. So, I'll try to be brief.

And was the finding of significance by -- about the Deerfield Historic Center also based on community planning and development of a religious and government center?

A. (Widell) Yes.
Q. And are those visual?
A. (Widell) They can be.

Q. And were they visual in this case?
A. (Widell) The visual aspect was of the architecture within the setting, the setting of the District, which is just within the boundaries. There were no views outside of the District.

Q. That's -- I'm not sure I understand that answer.
A. (Widell) Okay.

Q. But I'll ask the question again. Perhaps my question was posed kind of -- was unclear.
A. (Widell) Okay.

Q. The finding of significance, in addition to perhaps visual, more obvious visual things, was also based on community planning and development as the religious and governmental center of Deerfield, correct?
A. (Widell) Yes.

Q. And the question I have for you is, in this case, or in the case of the Deerfield Historic Center, is community planning and development as the religious and governmental center of
Deerfield a visual thing or is it something else?

A. (Widell) The architecture and the orientation of the buildings is all inward. So, there is no viewsheds out. But you are -- visual also takes into account landscape and setting. So, yes, the setting of Deerfield is one that you would consider the views of the architecture, and the orientation of those buildings, as you've talked about, of religious, government, and social, meaning library, were oriented together, placed together on that landscape, --

Q. Okay.

A. (Widell) -- and oriented inward to each other to create a center.

Q. All right. So, that orientation is, in your opinion, a visual element, and not informational, or something else?

A. (Widell) It's both. It is both.

Q. Okay. And, as both, wouldn't it then be also under Criterion D?

A. (Widell) No. Criterion D deals with the likelihood to yield new information.

Primarily, that is used for archeology. But it
could be used for an above-ground historic resource, say, that is covered in vinyl siding, but everyone knows that it's a log building that's very significant. And, so, you can't say it's significant under C, for architecture, because you don't know really what's there. So, often D is used for a property that is likely to yield information. The Monitor, under the ocean, before it came up, was certainly significant under D as well. That's another example of an above-ground feature or resource. So, --

Q. Above-ground, but below water, right?
A. (Widell) Below water, right.

Q. So, in any event, that the Preservation Company found there would be no adverse impact on the Deerfield Historic Center, right?
A. (Widell) Yes.

Q. And isn't true that the existing line and the new line will pass right along the edge of the Deerfield Historic Center, correct?
A. (Widell) I would want to look precisely at how far. There is an existing line.

MR. ROTH: Can you give us --
CONTINUED BY THE WITNESS:

A. (Widell) And the new line is within the existing right-of-way.

MR. ROTH: And then blow up that photo.

BY MR. ROTH:

Q. So, this is in the report, an aerial of the Deerfield Historic Center, with the District boundaries shown on it. And you can see the road passing in there from the lower right, up to upper left, and crossing the right-of-way there shortly after leaving the District. So, it doesn't abut the District. But it's the next thing you see when you leave the District, correct?

A. (Widell) Well, there is some stonewalls there and woods, and then you see the corridor. It's, according to Page 4 of the effects tables, 0.3 miles away, to the northwest.

Q. Okay. 0.3 --

A. (Widell) But outside of the boundaries of the District.

Q. 0.3 is not very far, is it?

A. (Widell) It is not.
Q. Okay. It always makes me -- puzzles me when I see things expressed in miles, when, really, we're talking about feet. Right? Isn't 0.3 a couple hundred feet?

A. (Widell) It's 4:30 in the afternoon, and I'm not going to try and sum, if that's okay?  

[Laughter.]

BY MR. ROTH:

Q. That's okay. I was just asking. Okay. And the right-of-way is going to cross that road right there, just a short distance away from the cluster of buildings, correct?

A. (Widell) Yes.

Q. And the rationale, as I read it in the assessment, is that the existing -- is that the various views are going to be "isolated and minimal". Is that in accord with your understanding?

A. (Widell) Most of the views are going to be isolated and minimal, yes.

Q. Okay.

A. (Widell) Yes, because there is --

Q. And then they noted the Sherburne Woods thing, which is where the white arrow is pointing, and
the existing line along that right-of-way as "modern intrusions", correct?

A. (Widell) Yes. I believe it's a senior citizens center or senior housing center, that is new construction outside of the Historic District.

Q. So, when DHR said you didn't need to do an area form for this, it wasn't because they looked at this property assessment and said "Great job, we've got all the information we need from that", was it?

A. (Widell) No. It was because the property was already listed in the National Register.

Q. Okay. All right. Thank you. And then you did an effects form, or you and the Preservation Company, I guess, right?

A. (Widell) The "effects table", is that what you're referring to?

Q. Yes.

A. (Widell) The new effects table?

Q. Yes.

MR. ROTH: And that's 438.

BY MR. ROTH:

Q. And this is Counsel for the Public Exhibit 438. And, in that form, Preservation Company
determined that the Project would not -- or, "the Project could have an effect on the Deerfield Center...because of the potential to alter its setting, which is a character-defining feature of its significance as a village center", correct?

A. (Widell) Yes. And that's why an effects table was being completed, yes.

Q. Okay.

A. (Widell) That's the standard beginning point.

Q. And they found, under Example (v), on Page 2, that "the Project could introduce elements" -- "the Project will introduce visual elements that may diminish the integrity of the setting and views of the historic buildings." Correct?

A. (Widell) Yes.

Q. But still they found "no adverse effect", right?

A. (Widell) Yes.

Q. And this is puzzling to me. How could a project "introduce visual elements that might diminish its integrity of the setting", and still not meet the definition of "adverse" under 800.5?
A. (Widell) It said it "might introduce them" that might diminish the --

Q. No, it says "it will". It says "the Project will introduce visual elements that may diminish the integrity".

A. (Widell) You are right.

Q. And yet it somehow doesn't meet the definition, which says that it's going to diminish the integrity of its setting. That seems to me to be a contradiction. How can you make that conclusion that it is not adverse, if, in fact, it will do exactly what "adverse" is?

A. (Widell) Because there's already a competing modern intrusion in the Deerfield Historic District, which does not cause the introduction of the visible structure to affect the character of the District.

Q. But that's not the conclusion that was reached. That's the analysis. But the conclusion is is that it will have an adverse effect --

A. (Widell) No. The conclusion is at the bottom, which is "no adverse effect", when you see "recommended finding".

Q. Right. But the conclusion with respect to
example of adverse effect number (v) is "The Project will introduce visual elements that may diminish the integrity", right?

A. (Widell) It "will introduce visual elements", but it "may diminish the integrity".

Q. And "adverse", the definition of "adverse" is, it "may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion on the Registry in a manner that would diminish the integrity", etcetera. Isn't that what the definition of "adverse" is?

A. (Widell) Yes.

Q. Okay. It seems like that conclusion here in 800.5(a)(2)(v) is -- meets the definition of "adverse" under (a)(1), doesn't it?

A. (Widell) No, I disagree. Because it states about -- it states that it "may diminish the integrity".

Q. So, then, I look at the analysis, which comes on Page 3, or I guess it's really more on Page 5. And what I read here is an argument about looking for reasons not to find the conclusion, which nevertheless appears among the
conclusions that are on Page 2. But, ultimately, the conclusion is that it will diminish the integrity, right?

A. (Widell) No. The ultimate conclusion is that there's "no adverse effect".

MR. ROTH: Mr. Chairman, I still have more. But I think this would be a good place to stop.

CHAIRMAN HONIGBERG: How much more do you have?

MR. ROTH: Probably another half an hour or so.

CHAIRMAN HONIGBERG: All right. We do not have another half hour.

MR. ROTH: Yes. I would just as soon stop, if that's --

CHAIRMAN HONIGBERG: We're going to expect you to be done in 30 minutes when we come back, you understand that?

MR. ROTH: I do.

CHAIRMAN HONIGBERG: Okay.

MR. ROTH: I really would rather not, but I think I'd rather finish it --

CHAIRMAN HONIGBERG: No. There are
plenty of reasons why, I understand, you want
to do what you want to do.

So, we'll adjourn for the day. The
next time we're all together is --

ADMIN. MONROE: The 29th.

CHAIRMAN HONIGBERG: -- August 29th.

I know that there is a prehearing conference
next week, on the 9th, here.

Anything else we need to do before we
adjourn?

[No verbal response.]

CHAIRMAN HONIGBERG: All right.

Thank you all.

WITNESS WIDELL: Thank you.

MR. ROTH: Thank you. Thank you,

Ms. Widell.

WITNESS WIDELL: Thank you, Mr. Roth.

(Whereupon the Day 27 Afternoon
Session was adjourned at 4:38
p.m., and the hearing to resume
on August 29, 2017, commencing
at 9:00 a.m.)
CERTIFICATE

I, Steven E. Patnaude, a Licensed Shorthand Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

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

____________________________________________
Steven E. Patnaude, LCR
Licensed Court Reporter
N.H. LCR No. 52
(RSA 310-A:173)