STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

August 29, 2017 – 9:04 a.m. DAY 28
49 Donovan Street Concord, New Hampshire

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

IN RE: SEC DOCKET NO. 2015-06
(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.
Christopher Way, Designee Dept. of Business & Economic Affairs
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby Public Member

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Steven E. Patnaude, LCR No. 052
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WITNESS PANEL: CHERILYN WIDELL
(resumed) VICTORIA BUNKER

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CHAIRMAN HONIGBERG: Good morning, everyone. We're going to resume Day 28 of the hearings.

Are there any preliminary matters we need to deal with before we get started?

[No verbal response.]

CHAIRMAN HONIGBERG: I didn't think so. Mr. Roth, you may continue.

(Continuation of the cross-examination of Cherilyn Widell and Victoria Bunker.)

MR. ROTH: Thank you, Mr. Chair. Good morning, Ms. Widell, Dr. Bunker.

WITNESS WIDELL: Good morning, Mr. Roth.

MR. ROTH: Now, when we were last here, the Chairman admonished me to get everything done in a half hour. I will attempt to do that. However, there was some new information that came in very recently that I'm going to ask a few questions about that may take me a little bit beyond my, well, allotted half hour.
Q. I'm going to start with where I left off, which was with King's Square, in Whitefield. Are you familiar with that, Ms. Widell?

A. (Widell) Yes, I am.

Q. And that's the commercial center of the Town of Whitefield?

A. (Widell) Yes, it is.

Q. Okay. And I'll confess that, until a month ago, I had no idea that that's what it was called. And did the -- the Preservation Company nor you did one of your inventory forms in your report for King's Square in their original analysis, correct? You did not do that?

A. (Widell) For King's Square, I would have to look precisely at that. We certainly did, for the inventory forms, it was included as one of the historic properties that DHR required that an inventory form be completed.

Q. Right. Okay. Perhaps I miss -- I used the
wrong term. When you and the Preservation Company did your assessments for your October 2015 testimony and the report that's contained in Appendix 18, you did not do an assessment form for King's Square, did you?

A. (Widell) I do not believe we did.

Q. Okay. And instead, you dealt with it in the table in Appendix 18, is that correct?

A. (Widell) Yes. We did a data sheet for every historic property that we looked at in the Area of Potential Effect, yes.

Q. So, --

A. (Widell) And that would be included in the data sheet.

MR. ROTH: Okay. Applicants' Exhibit 1, 16321. Can you rotate it?

MS. MERRIGAN: Yes.

BY MR. ROTH:

Q. So, I'm showing you Applicants' Exhibit 1, Appendix 18, of the Preservation Company's report. And this is at Page 16321. And you'll see in the middle there's a wide row there, that says "White28", Whitefield?

A. (Widell) Yes. I see that.
Q. And you called this here the "Whitefield Village/Town Center", correct?
A. (Widell) Yes.

Q. Is this King's Square?
A. (Widell) Yes.

Q. Okay.
A. (Widell) This is the area of the village itself.

Q. All right. And in this -- is it the case that you didn't do a complete assessment for this, because, as it says here, that the "viewshed maps indicate small views in scattered locations in the area"? You see in the column on the right, the far right? "The Project is as much as 0.5 miles to the north and on the north side of a forested hill."
A. (Widell) Yes.

Q. And, so, this is why you didn't do a more thorough assessment of this, of this area?
A. (Widell) Yes.

Q. Okay. But this write-up that you did here in this row, in this kind of thick row here, you didn't provide it, there is nothing in here analyzing the criterion for significance or any
aspect of integrity of this location, is there?

A. (Widell) No, I disagree with that. It talks
about how it was determined eligible in 1995.

Q. Okay. So that --

A. (Widell) So that would encompass, and we looked
at the eligibility.

Q. So, the shorthand is the reference to its
already having been determined eligible?

A. (Widell) Yes.

Q. Okay. But, in terms of the analysis here,
there was no other analysis that would tell the
reader of this table what criterion it was
found significant for, correct?

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

Q. Okay. And the viewshed mapping was
determinative in this instance, that you
weren't going to look at or have much more to
say about King's Square? It was the viewshed
mapping, right?

A. (Widell) Yes.

Q. Okay.

A. (Widell) We determined that it was unlikely to
have an adverse effect --

Q. Okay.
A. (Widell) -- or be prominently visible from the
King's Square Historic District that had been
determined eligible in 1995.

Q. And that was based on the viewshed mapping?
A. (Widell) Yes.

Q. All right. And DHR wasn't satisfied with that
approach, were they?
A. (Widell) That's not accurate. The DHR did not
review this assessment form in our report.

Q. Okay. So, DHR had bid you or bid the Applicant
to go out and do a more thorough analysis of
King's Square, didn't they?
A. (Widell) The DHR, in consultation -- no, that's
not accurate. DHR, in consultation with the
Department of Energy, in the Section 106
process, determined that King's Square should
be one of the properties where an inventory
form was completed.

Q. Okay. I guess maybe that's the same way of
saying -- what I just heard you said sounds
like you basically agree with me. Maybe you
put more nuance on it. But all I'm saying is
DHR, and I guess you're saying with DOE and the
consultative process, had the Applicant go back
out and do an inventory form, correct? Isn't that what you just said?

A. (Widell) Yes.

Q. All right. And that's Counsel for the Public Exhibit 440.

MR. ROTH: Can you put that up?

BY MR. ROTH:

Q. Okay. And the first thing I noted about this is the date that this was received was "June 21st, 2017", correct?

A. (Widell) Yes.

Q. And did you work on this inventory form?

A. (Widell) Yes.

Q. Okay. And, in this inventory form, --

MR. ROTH: And I guess what I would ask is we go to 12071 and 12072. If it's possible to put both of those pages up, 71 and 72.

BY MR. ROTH:

Q. So, this, what we're looking at here, this is the first half, is a table where there were a number of resources that were identified in King's Square, correct?

A. (Widell) Yes.
Q. And I believe there are 39 of them here, and three of which are noncontributing, correct?
A. (Widell) I can't see that completely from the materials you've given. Thirty-nine (39) properties entirely, and where it indicates "NC", one, two three, and are not contributing, yes.

Q. Okay.

MR. ROTH: And can you go to 87 now?

BY MR. ROTH:

Q. And this form here was prepared by another contractor, not the Preservation Company, correct?
A. (Widell) Yes. There were actually seven other contractors that completed Inventory Forms and Large Area Forms for the Project Applicant, for Northern Pass.

Q. Okay.
A. (Widell) And I would say that I reviewed all those forms and participated in that process.

Q. Great. But this one was prepared by a company called "Gray & Pape", did I get that right?
A. (Widell) Yes.

Q. Okay. And, when Gray & Pape looked at this,
and with your assistance, it found that this was -- had eligibility or was significant under Criterion A for associations with the development of Whitefield, correct?

A. (Widell) Yes.

Q. Is that a visual criteria or is that something else?

A. (Widell) Yes, it can be. It can be.

Q. Okay.

A. (Widell) Yes.

Q. And, in the terms of the development of Whitefield, it's the commercial core and the governmental, sort of municipal location for the Town of Whitefield, right?

A. (Widell) Yes, it is.

Q. And it goes back to early 1800's, mid 1800's?

A. (Widell) Yes. It looks like 1815 in this Inventory Form.

Q. Now, you recall that when we were here last time we had a fair amount of conversation, discussion, and questions about the National Register Bulletin. Do you remember that, and you're familiar with that document?

A. (Widell) Yes.
Q. And, in the National Register Bulletin, it says that, in order to determine a place of significance for its associative values, you'd have to, first, determine the nature and origin of the property; second, identify the historic context with which it is associated; and, third, evaluate the property's history to determine whether it's associated with the historic context in any important way, correct?

A. (Widell) Uh-huh. Yes.

Q. You're familiar with that approach?

A. (Widell) Yes.

Q. But, when the Preservation Company did the table in Appendix 18, there was no analysis of the nature and origin of King's Square, was there?

A. (Widell) No, that's not accurate. The determination of eligibility, which was reviewed, would include information related to its significance.

Q. But that was a reference, not an analysis, in Table 18 -- or, in the table in Appendix 18, correct?

A. (Widell) I'm sorry. Can I clarify your
question?

Q. No.

A. (Widell) Are you meaning that --

Q. Let me clarify the question. If -- there was no analysis on the table in Appendix 18, it was simply a reference to the eligibility determination papers, correct?

A. (Widell) When you mean "analysis", did we question the determination of eligibility for King's Square or the Whitefield District?

That's correct. We did not question it. It had been determined by DHR.

Q. I didn't ask -- I'm sorry. I'm sorry, I didn't ask if you questioned it. I simply asked whether you analyzed it in the table in Appendix 18?

A. (Widell) I'm not trying to be difficult, Mr. Roth. Can you help me understand what you mean by "analysis"? We determined that it was too -- that it was a significant property, based on the previous determination of eligibility.

Q. Okay.

A. (Widell) And based on what had been completed
during that time period, in 1995.

Q. But, in the table, you simply made that conclusion without any analysis in the table itself?

A. (Widell) That's correct.

Q. Okay. That's all I was trying to get to. And there was no analysis on that table of the historic context with which King's Square is associated with either, correct?

A. (Widell) That's correct.

Q. Okay. And there was nothing done in the table to evaluate King's Square to determine whether it was associated with historic context in any important way, correct?

A. (Widell) Not on the table, that's correct.

Q. Okay. And, so, what you did was you determined "yeah, it's eligible, but it has no visual relationship to the Project", and that was really the end of the analysis for purposes of that particular -- for purposes of the Appendix 18, correct?

A. (Widell) I believe the statement, if we could look at the table again, I would clarify that for you.
MR. ROTH: That's 16321.

BY MR. ROTH:

Q. Okay. So, here's the table again. And you said you wanted to see that again, but I think you answered the question. So, I'm going to move onto the next one, unless you need something or some time to look at this.

A. (Widell) What we determined was that it was "small views" and "views are not a character-defining feature of the resource" within the town. So, --

Q. Okay. So, in a sense, in essence, the approach was to shortcut through the reference to the eligibility, and then go -- and shortcut through that reference on the questions of significance and integrity, and then to do sort of, my words, a quick-and-dirty analysis on visual relationship, and dismissed it on visual grounds from further concern, correct?

A. (Widell) No, absolutely not. We did a thorough review of the significance of these properties, based on the National Register criteria. We looked at integrity of the properties. And then we looked at the ZVI, the zone of visual
influence, the possibility of views, what those views might be related to that. And, if necessary, we moved on to using desktop computer models.

Q. Okay. But none of that is evident from this table, is it?

A. (Widell) It's very evident in this Assessment Report in the methodology, which carefully delineates the thoroughness of the review that we did in the Assessment Report.

Q. But, based on this analysis in the table, we're just going to have to take your word for it that that was done for this process, for King's Square, because there's no -- you know, this is a "show your work" kind of a thing. There's no showing of your work here, correct?

A. (Widell) This is a listing of each and every property that we evaluated, to give the reader the information about each and every property that we evaluated. Remember, there were 1,284 properties, and then we moved to fewer than that, 194.

Q. The table also didn't say anything about the integrity of King's Square, did it, other than
the reference to the National Register eligibility?

A. (Widell) Yes. That's correct. There is no reference to "integrity". But the property could not be determined eligible for listing on the National Register without sufficient integrity.

Q. And, in the table, the Preservation Company and you didn't consider, other than through the reference, whether the Square had strong integrity, a feeling and association, or any of the other considerations? It's all just the reference to the eligibility determination in the past and you move on?

A. (Widell) Yes.

Q. Okay. And, in considering whether a site like a square -- like the Square is, which is under Criterion A, I believe, from the more in-depth analysis that was done a couple of months ago, doesn't the National Register Bulletin say that "A place will be eligible if it retains the essential physical features that made up its character or appearance during the period of its association", correct?
A. (Widell) Yes.

Q. And the setting must be intact?
A. (Widell) Yes.

Q. Okay.
A. (Widell) If setting is an important part of the significance of the property, sometimes setting is not.

Q. And, instead, the focus in this instance was to screen it out because of visibility of the Project issues, correct?
A. (Widell) I'm sorry, could you repeat that question?

Q. The focus in this -- for King's Square, in the analysis that was done, at least as evident from the table, was to screen it out because of the visibility of the Project?
A. (Widell) No. It was to determine whether the Project was likely to have a visual adverse effect on this historic resource.

Q. So, let's look at the criteria or the -- I guess it's a criteria, yes, the criteria of adverse effect in 800.5. So, and we're now looking at Counsel for the Public Exhibit 439, which is 36 CFR 800.5. And you're familiar
with this, with this rule, as I recall?

A. (Widell) Yes. We're not looking at 800.5.

MR. ROTH: Oh. We've got to go to

the next page. There we go. Thank you.

BY MR. ROTH:

Q. And, so, what 800.5 does is it tells you, in

order to make an assessment of adverse effect,

you start with these examples, correct? Well,

you don't -- I'm sorry.

A. (Widell) You don't start with the examples, no.

You would start with the definition of an

"adverse effect".

Q. Okay.

A. (Widell) Which is up in number 1.

Q. Thank you. Yes. Thank you. You're correct.

And in that, you look at whether the

"undertaking may alter, directly or indirectly,

any of the characteristics of a historic

property that qualify the property for

inclusion in the National Register in a manner

that would diminish the integrity of the

property's location, design, setting,

materials, workmanship, feeling, or

association." Correct?
Q. And, then, we go to the examples. And, so, we'll go through the examples. I'm looking at the examples there in part (2). I think we can all agree that it's not (i) or (ii) or (iii), because King's Square is not being destroyed or altered or removed, correct?

A. Well, I'm familiar with (i), (ii), and (iii), but could we move to Page 6 where those are located?

Q. Okay.

A. Thank you.

Q. And I think it probably also, we can probably agree, will you agree with me that it's not (i), (ii) or (iii)?

A. Yes.

Q. Okay. And we can probably also agree that it's not (iv), because the Project is not likely to be changing -- creating a change of the character or use of King's Square?

A. In King's Square, yes. That is a consideration, but not in King's Square, right.

Q. Okay.

A. Yes.
Q. And then -- so, we're probably looking at number (v), which is "Introduction of visual, atmospheric or audible elements that could diminish the integrity of the property's significant historic features." Correct?
A. (Widell) Yes.

Q. Now, in the table, there's -- the three short sentences that were presented don't seem to actually go through this analysis in any coherent way, do they?
A. (Widell) There's not information related to that in the table.

Q. Right. And isn't it possible that, if you read this analysis in 800.5, and then look at what's in the table, isn't it possible to conclude that, in fact, the analysis that was done was actually incorrect?
A. (Widell) No.

Q. Because, instead of asking whether the small views in scattered locations might diminish integrity, you and the Preservation Company determined no visual relationship, no effect, because views were not a character-defining feature, because the buildings face each other.
That's what it says in the table, right? Is that the correct analysis --

A. (Widell) I'd have to look at --

Q. -- under 800.05?

A. (Widell) I don't have the table, and I don't know precisely the language.

CHAIRMAN HONIGBERG: While that's coming up, I'm going to ask both of you to wait until the other one is done before you start talking again. It's going to be a much better transcript if you do.

WITNESS WIDELL: Thank you.

BY MR. ROTH:

Q. So, this is what -- these are the three short sentences in the table, presumably making some analysis -- making a sort of, again, forgive my terminology, a quick-and-dirty effects analysis. And these -- my proposition to you, if you would agree with me, that instead of asking whether "the small views in scattered locations" might diminish integrity, the Preservation Company essentially did instead determine no visual effect and no effect because the views are not a character-defining
And I don't see how that, and, you know, tell me if I'm wrong, how is that -- or, that doesn't seem to me to be reflective of the analysis in 800.5?

A. (Widell) It absolutely is. And it is the key thing into determining whether there is an adverse effect is, first, identifying the character-defining features of an historic property, which are delineated in information, such as the Determination of Eligibility, and that would indicate what those character-defining features. And that is what you use to determine whether there is an adverse effect on those character-defining features.

In the case of the central business district here, --

[Continued by the witness:]
A. (Widell) -- the central business district, the character-defining features are not views out beyond the commercial area.
Q. Would you agree with me that in this square, in King's Square, if the view of the historic square and buildings included views of the Project, that would introduce a visual element that could diminish the integrity of the Square by interfering with its ability to visually convey its significance?

A. (Widell) Let me make sure I understand your question. This is a hypothetical situation that, --

Q. That's correct.

A. (Widell) -- if the King's District had views beyond it, and that that was documented as part of the determination of eligibility as a character-defining feature, then you definitely would be looking at those views.

Q. And do you think that that could diminish integrity of the -- and this is, again, we're still on the hypothetical, that it could diminish the integrity of the Square by interfering with its ability to visually convey its significance?

A. (Widell) Once again, if that view affected the setting in a way that it diminished the
Q. Okay. Were mid-19th century town squares and bandstands adorned with 100-foot plus steel towers and high-voltage direct current power lines?

A. (Widell) Not in the 19th century, no.

Q. What about blinking red FAA lights?

A. (Widell) No.

Q. And I'm going to skip over a little bit that I was going to do in the interest of time, and go to the effects table that was done and submitted only recently. And I'm afraid I don't have an exhibit for it. And my question on this one is very simple and straightforward. Is it fair to say that the effects table confirmed the analysis that was done on this table in Appendix 18 for the same reasons?

A. (Widell) I mean, I believe I have the effects table here, if you would like me to reference it directly.

Q. Well, you can, you know, if you want to look at it, go ahead, but the question is, I think, fairly straightforward. And this effects table was only done in the last, what, two weeks,
three weeks. And the question is is, in the
effects analysis that was done, was it
essentially conclude -- was the same conclusion
reached for the same reasons that was spelled
out in the original testimony in 2015?
A. (Widell) That's two things. I want to take
each part of that question. One is, it was
determined not -- no adverse effect on the
King's Square District. And what was visible
was some spotty view areas to the rear of
historic -- some of the historic properties in
the parking lots, especially between Elm and
Lancaster, and that they were not sufficient to
cause any visual effect --
Q. Okay.
A. (Widell) -- to the King's District. So, in
summary, I would agree, yes, it was a similar
evaluation, in that the final determination was
that, no, the Project would not cause an
adverse effect to the King's District --
Q. Okay.
A. (Widell) -- Historic District -- King's Square
Historic District, excuse me.
Q. I'm now going to turn to Weeks State Park and
the Weeks' Estate. And I just want to clarify that the Applicants' Exhibit 118 is the same document as the assessment that was included in Applicants' Exhibit 1, Appendix 18, at Page 16664. Are you familiar with both of these documents?

A. (Widell) Not by the -- I am not familiar by the specific page number. I'm sorry, Mr. Roth.

MR. ROTH: Okay. And perhaps as a sidebar to counsel, can you confirm that that's the case?

MR. WALKER: Can you put up 118? I'm trying to find that.

MR. ROTH: 118, Applicants' Exhibit 118.

MR. WALKER: Can you answer it from seeing that?

BY THE WITNESS:

A. (Widell) You referred to two different documents. I am familiar with this document, yes.

BY MR. ROTH:

Q. Well, my question is, and whether it's for you or for the lawyers, is Exhibit 118 the same as
what's in Appendix 18?

A. (Widell) This was part of the Assessment Report that was completed. And I am familiar with this document.

Q. Okay. So, you can't confirm that 118 is the same as what's in Appendix 18?

CHAIRMAN HONIGBERG: This seems -- I think the answer is "no".

MR. ROTH: Okay.

CHAIRMAN HONIGBERG: I think it's fairly clear she doesn't know that by number.

MR. ROTH: All right.

CHAIRMAN HONIGBERG: So, if you want to pull the other one up and let her look at the two, although if it's --

MR. ROTH: No. That's all right.

CHAIRMAN HONIGBERG: -- if it's significant, then you might want to do it. If it's not significant, then move on.

MR. ROTH: It's a question of clarity for the record. And I just wanted to make sure, and I think that, really, counsel should be answering this question, because they prepared the exhibits. And I don't know why
118 was a separately prepared exhibit, when it appears to me that it's just a copy of what's in Appendix 1 -- or, Appendix 18.

CHAIRMAN HONIGBERG: All right. At the break, Mr. Walker or one of the people on his team will figure that out and let us all know.

MR. ROTH: Because I'm going to be using 118, and upon the assumption that it is identical to what's in the book.

CHAIRMAN HONIGBERG: All right. Then, I understand why you want this confirmation. So, at the break, I mean, he's going to ask his questions, and unless you can do it quickly, let's get it sorted out.

MR. WALKER: I'm trying to figure that out. But I will answer the question at some point.

CHAIRMAN HONIGBERG: All right. Thank you, Mr. Walker. And, if it turns out that there's some differences, and Mr. Roth needs to circle back then, on the issues that are different, then he'll be allowed to do that.
MR. WALKER: All right.

MR. ROTH: Yes. They have different page numbers, that's the --

CHAIRMAN HONIGBERG: You won. Got it.

MR. ROTH: Thank you.

BY MR. ROTH:

Q. So, the assessment included in the original report says that the Project is just over a mile from Weeks State Park, but in some places it's less. Is that correct?

A. (Widell) No. My understanding is that the National Register listed Weeks Mansion as over a mile, and so is the state park, which we included as part of our assessment.

Q. So, I guess -- so, what I'm looking at here is it says "The historic buildings are 1.25 miles", but the "420-acre state park... comes within roughly 0.85 miles of the line".

A. (Widell) You are right, and you have corrected me.

Q. Thank you.

A. (Widell) Thank you.

Q. And it also says in here, your analysis, was
that the East Overlook is directly in view of
the Project, correct?
A. (Widell) Yes.
Q. And we all saw that when we went up there a
couple of weeks ago. And the Project will be
visible from the tower at Weeks State Park,
correct?
A. (Widell) The observation tower, yes.
Q. Okay. And this write-up, this analysis that
you did, says that it's "one of the
best-preserved grand summer homes in the
state", correct?
A. (Widell) Yes.
Q. And that "the lodge", that is the Weeks'
residence up there, I think that's what we're
talking about, "is a good example of Arts and
Crafts style", and that the "tower is an
unusual feature", correct?
A. (Widell) Yes.
Q. And that this property, and maybe I'm -- I
don't want to put words in your mouth on this,
or maybe I do, "exemplifies land conservation
efforts at the turn-of-the 20th century", and
that's its significance, is that fair to say?
A. (Widell) It's one of its significance, but we looked at significance as well, not only for the individual National Register property, but also the state park.

Q. Okay. And we're going to get into a little more detail. And isn't it true that John Wingate Weeks worked with the Appalachian Mountain Club and the Society for the Protection of New Hampshire Forests to establish and -- legally establish and find funding for the White Mountain National Forest?

A. (Widell) I don't believe we included that in the form itself.

Q. No, you didn't. But you did include a reference to the Project Area Form, correct?

A. (Widell) Yes.

Q. And that information is contained in the Project Area Form, isn't it?

A. (Widell) It is likely to, and we referred to the Project Area Forms. But I reviewed well over 100 forms. So, even as a historian, I can't keep accurate every single detail.

Q. Understood. So, I have not introduced this as an exhibit, and I don't know whether the
Applicants have done so. But I'm looking at
the Great North Woods Project Area Form. And,
on Page 26 of that form, and we can make this
an exhibit, you know, following the hearing, it
makes reference to how the Appalachian Mountain
Club and SPNHF worked with Mr. Weeks,
Congressman Weeks, to establish the White
Mountain National Forest, correct?
A. (Widell) Yes.
Q. And is this place, the state park and the Weeks
Estate, part of one of the cultural landscapes
that was not done initially, but is presently
being worked on?
A. (Widell) Let me answer that question in two
ways. One is, we considered it in the --
meaning Preservation Company and myself, at the
time that we prepared the Assessment Form that
you are showing on the screen. We considered
it a cultural landscape, and included it as
such in our Assessment Form, because the state
park itself would be considered a designed
cultural landscape. And, so, we looked at it
as a cultural landscape.

The second part of your question is, yes,
it was also one of the areas that was included as a study for cultural landscape, and has been identified as the Mount Prospect/Martin Meadow cultural landscape.

Q. I understood what you just said, but I'm at a loss to find where in this document you mentioned the words "cultural landscape". Can you show me that?

A. (Widell) Not without reviewing it thoroughly. In our methodology for the Assessment Form, we talk about the fact that we included cultural landscapes in our assessment of potential properties being affected by the Project. It is on a Large Area District Form, which is up and to the most recent cultural landscape inventory forms that were done, the way that you would document a cultural landscape in New Hampshire. You would use a Large Area District Form.

Q. But, in this form that you presented to the Site Evaluation Committee as your expert testimony, the words "cultural landscape" don't appear anywhere, is that correct?

A. (Widell) Well, on the first page, in the third
paragraph, it states "a designed landscape",
and that's -- it is a designed cultural
landscape. The fact that we left off
"cultural" I believe is not significant.

Q. So, you don't think there's a significant
difference between a "designed landscape" and a
"cultural landscape"?

A. (Widell) I do not.

Q. So, a Frederick Law Olmsted designed landscape,
that's a cultural landscape, just based on your
definition?

A. (Widell) Yes, it is.

Q. Okay. And the Significance section of this
write-up describes Weeks as having "potential
significance in the Areas of Conservation and
Recreation". Correct?

A. (Widell) Yes.

Q. And going back again to the National Register
Bulletin, number 15, I cannot find significance
of -- in the Areas of Conservation and
Recreation. And what I find are, you've got
these four criterion: "Events", "Person",
"Design/Construction", or "Information
Potential", correct? Those are the four
Q. And none of those appears to be "Conservation and Recreation", does it?
A. (Widell) I disagree. Criterion A would include "conservation and recreation", especially in the State of New Hampshire. The Division of Historic Resources has specifically identified "conservation and recreation" in their context statements as significant areas in which cultural and historic resources may be found in the state. And that would fall under Criterion A.

MR. ROTH: And can you go to 59875?

59875.

BY MR. ROTH:

Q. So, this is, in the Assessment Form, this is the entirety of the discussion of significance that I'm aware of, I believe. And, so, what I'm asking you is where does this mention "Criterion A" or "B" or "C" or "D"?
A. (Widell) It does not mention it by "Criterion A", but the statement that --

Q. So, "it doesn't" is the answer?
A. (Widell) It was listed for significance in the areas of architecture and conservation is what you are looking for. And, in the profession of the identification and preservation of cultural resources, that is how we would state it in form that is describing its significance. You would not just say "A". Sometimes you might say "A", and then include whatever. But --

Q. But this is --

A. (Widell) But this is one of the areas that architecture is "C", and conservation would be "A".

Q. Okay. But this analysis doesn't explain that to anybody, does it?

A. (Widell) Not in that paragraph. No, it does not.

Q. And isn't it possible then that the Preservation Company didn't find the right significance for this site because, in this assessment, without having shown their work? How do we know which one they relied on? Is it A or B or C or D?

A. (Widell) No, I disagree with your assessment. These forms would be reviewed by the Division
of Historic Resources, who would be familiar
with where these areas of significance would
fall, in A, B, C, or D.

Q. Well, we've already been through that last
time, where it was made pretty clear I thought
that DHR wasn't satisfied with this
methodology, and that's why they've sent you
out to do additional assessments and
inventories of many of these places, correct?

A. (Widell) No. The information was not placed on
the inventory forms that DHR receives
information for purposes of Section 106. The
purpose of this Assessment Report was in order
to complete the information in time to submit
to SEC, and it was not possible, because the
Department of Energy had not yet completed
their project area forms providing the list of
historic properties necessary to complete those
inventory forms.

Q. But -- well, I think what you were tasked to do
in front of the Site Evaluation Committee, in
October of 2015, was to present an assessment
of and identify all of the resources that were
affected. What you did was you presented these
assessment forms in Appendix 18, as I recall
the record, and, you know, DHR said, you know,
"that's not going to work", and sent you back
out to do it again.

But let's move to the next question. In
the integrity analysis that you did on the next
page, 59876, I don't see any connection in this
analysis to significance or any of the seven
aspects of integrity. Do you see them there?

A. (Widell) Definitely. The blocks indicate each
of the aspects of integrity, which are listed
in the National Register criteria for
determining that: "Design", "Setting",
"Materials", "Workmanship", "Feeling",
"Location", and "Association" are the seven
tests of integrity.

Q. Okay.

A. (Widell) And then there is a paragraph that
very thoroughly discusses that, those
indications in those blocks.

Q. Without mentioning any of those words in it.

That paragraph does not mention any of those
words. You checked boxes, but you didn't do
any analysis.
A. (Widell) I would give you an example, which would be "materials". "The one change made during Weeks family ownership was the addition of a second floor porch on the west elevation." That would be a change in materials and also in design. So, they are directly related to those checked boxes.

Q. And, in this form, you found that there would be an adverse effect on Weeks State Park, correct?

A. (Widell) Yes.

Q. But you won't call it "adverse" -- or strike that. You won't call it "unreasonable", because you don't do that analysis in any of your report or any of your testimony on a location-by-location basis, correct?

A. (Widell) Yes. I did not evaluate adverse effects -- unreasonable adverse effects on a property-by-property basis.

Q. Okay. That's correct.

A. (Widell) I did a total evaluation for the entire Project, because the criteria, in my professional opinion, point to all of the properties and all of the significance and all
of the effects, which does not indicate to me a
property-by-property evaluation.

Q. Okay. I understand that's the argument you
made before, and you don't need to repeat it.

Now, in the analysis of effects, isn't it
ture that your minimization of views of the
Project is based on forest cover of the
location?

A. (Widell) No.

Q. And what else is there? Distance?

A. (Widell) Yes. The elevation from which you are
viewing the Project, the significance of the
views, whether they are substantial, a number
of different things.

Q. Do you know whether historically more of the
top of the mountain was deforested for
enhancement of the views by the Weeks family?

A. (Widell) An historic photograph I believe
that's in this form indicates some of that.

Q. Okay. And do you know whether the New
Hampshire Parks folks have plans to cut more of
that forest, in order to restore it to its
original setting?

A. (Widell) No, I do not.
Q. Okay. Do you think that, if they did that, and this is, you know, a hypothetical, there would be more views from the yard and the house?

A. (Widell) I do not know.

Q. And you haven't done an additional inventory for Weeks State Park, correct?

A. (Widell) No. Let me explain in that regard.

Q. That was just a question. You don't need to explain it.

A. (Widell) The Weeks State --

CHAIRMAN HONIGBERG: Ms. Widell.

WITNESS WIDELL: Okay.

CHAIRMAN HONIGBERG: He asked you a "yes" or "no" question. If your counsel wants to explain further, you'll have an opportunity to do that.

WITNESS WIDELL: Thank you.

BY MR. ROTH:

Q. And, in your assessment, on 59877, you and the Preservation Company found "The Project will be substantially visible in historically significant views from the historic resources."

Correct?

A. (Widell) I would have to look at the -- I
believe it is substantially visible from the eastern, but let me see.

Q. Well, look at the form.

A. (Widell) Yes. That's what I'm doing. Thank you. Thank you, thank you. I want to just double check that. Thank you.

Yes. It does say it will be from the historic resource.

Q. Yes.

A. (Widell) Thank you.

Q. And it also says that "The Project appears to have an adverse effect" on this location, we already --

A. (Widell) Yes.

Q. Yes. And, again, neither you, nor the Preservation Company, appears to have analyzed this place using the 800.5 methodology?

A. (Widell) I disagree.

Q. Okay. All right. Now, we're going to move to the August 25th letter. On August 25th, 2017, the Division of Historic Resources, and I believe it was Deputy State Historic Preservation Officer, Richard Boisvert, provided a letter to the Site Evaluation
Committee, approximately 11 pages long. We have introduced this as "Counsel for the Public Exhibit 443". And, now, this was just a few days ago. But I assume, given these circumstances, you have seen this letter?

A. (Widell) Yes, I have. And I have a copy before me.

Q. Good. And would you agree with me that, to Dr. Boisvert, the 106 process will not result in determinations of whether the Project has an unreasonable adverse effect on historic sites?

A. (Widell) It makes that statement in the letter that that is not what the 106 process does.

Q. Right. And you would also agree that he says that 106 is a "consultative process", not a "permitting one", correct?

A. (Widell) Yes.

Q. Okay. And would you agree with me that Director Boisvert has shown that a large number of resources have been identified that you and the Preservation Company did not cover in your October 2015 reports and testimony?

A. (Widell) No. I did not see that.
Q. Okay. Would you agree -- do you agree with him that there remains to be identification work to be done?

A. (Widell) Very little. I'm aware of approximately five or six inventory forms that are being finalized.

Q. Okay.

A. (Widell) At this point, the cultural landscapes, for the most part, have been identified, although not yet submitted.

Q. Okay. And would you agree that, under the Section 106 process, the determination of whether there is an adverse effect is on a place-by-place basis, not a project as a whole, as you testify in this case?

A. (Widell) That is correct.

Q. Okay. And isn't it true that, in each of the effects tables that you have done, that have been submitted to DHR over the last some weeks, that you've evaluated the Project's effects on a resource-by-resource basis, not a project as a whole, correct?

A. (Widell) Yes.

Q. Now, I want to point to a few particulars in

{SEC 2015-06} [Day 28/Morning Session ONLY] {08-29-17}
the letter. And, on Pages 2 and 3 of the letter, Mr. Boisvert mentions "cultural landscapes", correct?

A. (Widell) Yes.

Q. And, in your original report, let's start with the Suncook River Valley. Was there any mention or analysis of the "Short Falls Cultural Landscape" in your original report?

A. (Widell) No.

Q. Okay. How about the "Buck Street-Batchelder Road Cultural Landscape"?

A. (Widell) No. But there were individual historic properties --

Q. Okay.

A. (Widell) -- within that cultural landscape that were identified.

Q. All right. And what about the "Nottingham Road Rural Historic District"?

A. (Widell) There were, once again, --

Q. Individual properties?

A. (Widell) That were identified, yes.

Q. All right. But not a cultural landscape?

A. (Widell) No.

Q. Okay.
[WITNESS PANEL: Widell~Bunker]

A. (Widell) And, in fact, the DHR has indicated that that is not a cultural landscape, based on material that has been submitted.

Q. And then -- and this is since August 25th?
A. (Widell) No. Previous to August 25th.

Q. And moving down here, "Franklin Falls Dam - Hill Village Cultural Landscape", was that addressed in your original report?
A. (Widell) We certainly did a survey form on Franklin Falls Dam and Hill Village, and a number of other historic properties. It was not as a cultural landscape.

Q. Not a cultural landscape, okay. And "Route 3 - Franconia Notch Cultural Landscape", was that mentioned in your original work?
A. (Widell) No.

Q. And the "Ham Branch Cultural Landscape", was that mentioned in your original work?
A. (Widell) No.

Q. And the "Gale River Cultural Landscape", was that mentioned in your original work?
A. (Widell) No. I would note that they are all in the underground section, and so not subject to visual effects.
Q. But they are subject to direct effects, as we established last time, correct?
A. (Widell) Yes.

Q. Okay. And, the Great North Woods Cultural Landscape Study Area, we have "Mount Prospect". Was that one in your original report?
A. (Widell) Substantively, most of those properties had been identified, yes.

Q. On a property-by-property basis?
A. (Widell) Correct. Yes.

Q. But not as a cultural landscape?
A. (Widell) Well, as I indicated to you previously, we included Weeks State Park as a designed cultural landscape, yes.

Q. Yes. That's your opinion and your argument. And then "North Road", you did mention as a historic district, but it was not treated as a cultural landscape in your initial analysis, correct?
A. (Widell) No, that is not correct. We specifically talked about it as a vernacular cultural landscape and large area rural historic district.

Q. Okay. And the Upper Ammonoosuc, the "Harvey
Swell Cultural Landscape", this was not mentioned in your original report?

A. (Widell) That is accurate.

Q. Okay.

A. (Widell) Yes. We did not.

Q. And, if you were a teacher giving the Preservation Company's report on cultural landscape inclusion a grade, what would you give it in terms of hits and misses? Is this like a 30 percent success rate?

A. (Widell) And what am I grading on?

Q. You're grading on whether --

A. (Widell) Would I be grading on effects of the Project on historic resources?

Q. No. Whether you even identified the cultural landscapes in the Project area?

A. (Widell) Well, Northern Pass is the one that identified these cultural landscapes as part of the Project review for Section 106. So, I would give Northern Pass an A, because this is --

Q. That's not what I'm asking about. I'm asking about whether, at the time the Preservation Company's and your testimony in October of
2015, I think we just went through, you know, if I give you credit for Weeks State Park, you've got nine other ones or so that you didn't even mention. So, that's not a terribly good score, is it?

A. (Widell) I would have to correct you that we identified also the North Road Agricultural District, and we identified all of the historic properties that are within those cultural landscapes that are also within the Area of Potential Effect and in the Zone of Visual Influence.

Q. But you're not saying that a cultural landscape is the same as, you know, as a historic structure is, are you?

A. (Widell) They are all historic resources that need to be considered when you are determining the effects on them for a project.

Q. So, Director Boisvert also discusses town centers, and I hope he'll forgive me if I'm mangling his title, and I think he's here watching, and, on Pages 3 and 4 of his letter. And the "Ashland Village Historic District", it was mentioned, but there was no form for it,
correct, in your original report?

A. (Widell) I'd have to look at the database. If
you say there is not, I'm going to give you
that.

Q. And "Groveton" --

[Court reporter interruption.]

BY MR. ROTH:

Q. "Groveton Village", mentioned, but no form?

A. (Widell) I'd have to refer to the database.

Q. "King's Square", we already talked about that,
again, it was discussed on the table, but no
form, correct?

A. (Widell) The form had already been completed,
as far as documentation, with a determination
of eligibility, which was reported in our
findings.

Q. Okay. "Deerfield Center", you actually did
this one, so you get points for that. And
"Hill Village", you actually did that one, you
evaluated it with a form, correct?

A. (Widell) Yes. And Deerfield also was -- Center
District was already listed on the National
Register.

Q. Okay. So, you have two out of five on the
village centers?

A. (Widell) I can't state that. I'd have to look at the database to review other village centers that we documented. And they may not have been as districts, but as individual properties.

Q. Okay. And then we have agricultural districts, "47 Candia Road", it's mentioned in your database, but there's no form for it, correct?

A. (Widell) I do not believe that is accurate.

Q. Okay.

A. (Widell) Once again, you're talking about material that has been considerably augmented by a second thorough completion of inventory forms.

Q. Right. But that's not what we're talking about today. We're talking today about your testimony that was submitted to the Site Evaluation Committee on October 2015, and your supplemental testimony. That's what we're asking about. I know that you and the Preservation Company have since, and in some -- in many cases very recently, augmented these things for the 106 process. But, in terms of your original report and your original
testimony, these things weren't there. And I'm not going to belabor it with the many historical -- or, the many agricultural locations.

Would you agree with me that, based on Mr. Boisvert's letter, there's a tremendous amount of work that remains to be done to complete the identification of other resources, determine adverse effects, and decide on what to do about avoidance, minimization, and mitigation going forward?

A. (Widell) No, I would not agree with you. But I'd like to divide it up separately. I believe that the letter states rather clearly that most of the identification is nearing completion.

Q. Correct. And you made that point before.

A. (Widell) And there are three, really. So, once the identification is nearing completion, that's when you initiate, under the Section 106 process, whether you are looking, you know, assessing adverse effects on those historic properties that have been identified.

Q. Right. And do you --

A. (Widell) And then the third part is to move to
avoidance, mitigation, minimization.

Q. Okay.

A. (Widell) And, finally, mitigation for those properties that cannot be mitigate -- that it's inevitable that they will cause an adverse effect, that the Project will cause an adverse effect to the historic resources.

Q. I'm not asking -- I'm not asking you whether there is going to be an adverse effect or whether it can be mitigated. My question is simply, with what remains to be done, to you believe that there is a tremendous amount of work that remains to be done to do all that?

A. (Widell) Yes.

Q. Okay.

A. (Widell) And it has -- and they have outlined how that will be accomplished, through a Programmatic Agreement, --

Q. Okay.

A. (Widell) -- which has been signed, I understand.

Q. Do you think that all that work that you just analyzed very carefully, do you think that will be done by the end of this year?
A. (Widell) No.

Q. Do you think it will be done by the end of next year?

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

Q. So, in your testimony, you and the Preservation Company got down to six properties with an adverse effect. Having now done this additional work, on these effects tables and these inventory forms, is -- and I know that some of those effects tables say "potentially adverse effect" and some of them say "adverse effect", are you still at six or is the number greater?

A. (Widell) Yes. I am still at six. I am even more convinced than ever that my initial testimony and supplemental testimony is accurate in its evaluation that this Project will not cause an unreasonable adverse effect. And the reason is, because not only was the original assessment very thorough in its evaluation of historic properties, but the completion of additional inventory forms by other professionals, looking at almost the identical resources, the thorough evaluation of
the Division of Historic Resources, in looking
at that material, and confirming that we have
identified the historic properties, as well as
the product information --

Q. Ms. Widell, --
A. (Widell) -- that the Department of Energy has
provided.

Q. Ms. Widell, you answered the question that,
"yes", you agree that six is where you're still
at. Thank you.

MR. ROTH: And that's all the
questions that I have.

Mr. Chairman, I'd like to take a
moment to make an announcement and introduce
somebody to the Committee and to the parties in
the case.

CHAIRMAN HONIGBERG: You may proceed,
Mr. Roth.

MR. ROTH: Thank you. I recently
accepted a position with the Department of
Revenue Administration to be Revenue Counsel.
And I'll be leaving my -- resigning my
appointment as an Assistant Attorney General
effective September 21st.
The Attorney General has asked Christopher Aslin, who is seated over here at counsel's table, to serve as Counsel for the Public for the remainder of the case. And I have every confidence that he will do so capably and thoroughly, with the same values and objectivity that I have brought to this case in the last, roughly, two years. And I have great confidence that he will do that. And I hope you all will look forward to that.

And I just wanted everybody to know that this transition is going to be occurring over the next few weeks, and eventually it will just be Chris.

And I have enjoyed this process, even at times that I've hated it. And somebody said, you know, "why are you doing this now?" And I've said "why didn't I do this a year ago."

So, I just wanted everybody to know that that's what's happening, and that Mr. Aslin will be shortly taking over for me.

Thank you.

CHAIRMAN HONIGBERG: All right.
Thank you, Mr. Roth. With that, we will take a break, and resume in ten minutes.

(Recess taken at 10:08 a.m. and the hearing resumed at 10:25 a.m.)

CHAIRMAN HONIGBERG: All right. Next up, Ms. Boepple, from the Society for the Protection of New Hampshire Forests.

MS. BOEPPLE: Thank you, Chair. Good morning.

WITNESS WIDELL: Good morning.

MS. BOEPPLE: Good morning, Ms. Bunker. Ms. Widell and Ms. Bunker, I have mostly -- most of my questions are for you, Ms. Widell. And, as the Chair said, I'm Elizabeth Boepple. I'm with BCM Environmental & Land Law. And we represent the Forest Society.

BY MS. BOEPPLE:

Q. Ms. Widell, in your prefilled testimony dated October 16th, 2015, on Page 1, and we will show you that page, you described your background and qualifications. You've also attached your CV as an "Attachment A". And I'd like to draw
your attention to these parts of your prefilled testimony for the first set of questions, and ask you to address some of these questions.

Am I correctly reading that your educational background is that you have a Bachelor's degree in American History from Hunter College?

A. (Widell) From Hood College, yes.

Q. And you did some graduate level work at George Washington University?

A. (Widell) Yes.

Q. But you didn't complete a graduate degree, is that correct?

A. (Widell) That's correct. All but the thesis, you know.

Q. And, then, on Page 1, Lines 9 through 10 of your prefilled testimony, you state that your "background and training meets the Secretary of the Interior's professional qualifications"?

A. (Widell) Yes.

Q. That's correct?

A. (Widell) Yes.

Q. Okay. So, you must be familiar with that section of the Federal Code, correct?
A. (Widell) Yes, I am.

Q. So, let's just talk about those qualifications?

A. (Widell) Uh-huh.

Q. I'm going to show you a printout of that, 36 CFR, Appendix A, Part 61. And in that it says that "a year of professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods...adding up to one year." Is that correct? Do you see that?

A. (Widell) Yes.

Q. Okay. And there's no limit set forth in the Code as to how long you might accumulate that one year of experience?

A. (Widell) Yes.

Q. Okay. Isn't it also correct that, under this section of the Code, that at least part of the qualifications are that you have "at least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution or", and then it goes on to

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describe another minimum qualifications?
A. (Widell) Yes.
Q. Is that correct?
A. (Widell) Yes.
Q. Okay. Does that strike you as a very high bar?
In terms of professional qualifications to
become an expert, an historic expert?
A. (Widell) Not necessarily.
Q. Okay. It's also correct that you have
qualifications as an architectural historian?
A. (Widell) Yes.
Q. Okay. And, under the Code, that means you have
to have "a minimum of a graduate degree in
architectural history, art history, historic
preservation or closely related field, with
course work in American architectural history;
or a Bachelor's degree in architectural
history, art history, art preservation or
closely related field." Which one -- which of
these are you citing for your educational
qualification?
A. (Widell) Under that list, I would say American
architectural history. But it was a broad
history major.
Q. So, you may not actually have one of those specific qualifications?
A. (Widell) Not precisely, no.
Q. Okay. Thank you. And, then, in addition to that educational qualification, in order to claim that you are a qualified architectural historian under the Secretary of the Interior's standards, you also have to have at least two years of full-time experience, correct?
A. (Widell) Yes.
Q. In the various areas, whether it's research, writing, teaching, is that correct?
A. (Widell) Yes.
Q. Okay. And we already know that a year can -- of that experience could take place over a period of several years, correct?
A. (Widell) Yes.
Q. Okay. And, again, that's not a terribly high bar, is that correct?
A. (Widell) Yes.
Q. Okay. Your CV indicates that you were a Senior Fulbright Scholar to Japan?
A. (Widell) Yes.
Q. In historic preservation?
Q. And am I correct that, while you were doing that, you were working on recognition and preservation of Frank Lloyd Wright's buildings in Japan?


Q. So, it was a specific architect working in a specific country?

A. (Widell) No. I'm not an architect.

Q. That wasn't my question.


Q. Your study as a Fulbright Scholar was of a specific architect in Japan?

A. (Widell) No. That's not exactly correct. As you see, I was a Senior Fulbright Scholar. I did not go as a student. Certainly, you're a student if you're living in a foreign country. I went to work, and actually did teach some classes in the Tokyo National University of Fine Arts & Music, which is where the architects who study about historic preservation go. And, so, I was more of a resource to the professors there, and also the Ministry of Cultural, which actually designates
and protects historic properties. So, I was not a student. I went as a professional in the field of historic preservation to share my knowledge about the American program.

Q. And you were educating them on historic preservation?

A. (Widell) Yes.

Q. Okay. Did you not also -- were you also not focused on Frank Lloyd Wright's work in Japan?

A. (Widell) It was one of the things. I was --

Q. Okay. That's fine. That's my question. And did he -- were his contributions in Japan roughly between the years of 1912 and 1922?

A. (Widell) Yes.

MS. BOEPPLE: Okay. If we could go to the next exhibit please. Thank you.

BY MS. BOEPPLE:

Q. So, is this a good example of a piece of --

A. (Widell) Sadly, it is not. It's the old Imperial Hotel, which has been moved to what we could call a "petting zoo" in Nagoya, which is where you place historic buildings that have to be moved from their original location and appreciated. So, we can still see what Wright
did with the Imperial Hotel at this place.

But it was demolished in 1968, when the
last Olympics were in Tokyo. This is not the
building I worked on.

Q. Is this an example of Frank Lloyd Wright's
architecture in Japan?

A. (Widell) It is.

Q. Okay. Thank you. That was my question. Would
it be correct to say that the period and type
of Frank Lloyd Wright's architecture that you
observed in Japan is not the same period and
architectural styles that we find in New
England?

A. (Widell) Of course. There are some from that
time period, but, yes. And this is the
building that I worked to preserve in Tokyo.

Q. This one?

A. (Widell) Yes. This is Jiyu Gakuen.

Q. Okay.

[Court reporter interruption.]

CONTINUED BY THE WITNESS:

A. (Widell) -- J-i-y-u, a new word, G-a-k-u-e-n,
which means "freedom school", in English.

BY MS. BOEPPLE:

{SEC 2015-06} [Day 28/Morning Session ONLY] {08-29-17}
Q. And what is this structure?
A. (Widell) I believe this is Hollyhock House, in California.

Q. Okay. So, let's move on and talk a little bit about your experience in California. So, you were the State Historic Preservation Officer there between the years of 1994 and 1998?
A. (Widell) Yes.

Q. Is that correct?
A. (Widell) Uh-huh.

Q. Okay. Is that an appointment by the governor?
A. (Widell) Yes. All State Historic Preservation Officers are appointed by their governors by federal law.

Q. Okay. So, to some extent, politics play a role in that appointment, is that correct?
A. (Widell) Yes.

Q. Okay. You state on Page 1 of your prefiled testimony that, in your role as California State Historic Preservation Officer, you had "oversight for all aspects of historic resource protection throughout California". Is that correct?
A. (Widell) Yes.
Q. Okay. Then, you also, in your CV, described projects that you worked on while as the SHPO, which were all in California, and presumably particular to the types of architecture and cultural landscape that are found in California. Would that be correct?

A. (Widell) Yes.

Q. So, is this another example of what you might see in California?

A. (Widell) I believe so, yes. It's a mission. I got to tell you, I can't remember which one.

Q. So, what I'm showing you is SPNF 214, which will be an exhibit that's admitted. And let's take another look at another example, California.

A. (Widell) I don't recognize that, may be in Central Valley, a mission.

Q. But does this architecture look to you like something you would see in California?

A. (Widell) Yes, or Mexico.

Q. And you said "or Mexico"?

A. (Widell) Uh-huh.

Q. So, is it -- would it be fair to say that a lot of -- some of California's architecture is
influenced by Mexico?

Q. And what about this?

A. (Widell) Yes. This is Santa Barbara, I'm almost positive. Yes.

Q. And, again, is that an example of the kind of architecture, style of architecture we find in California?

A. (Widell) But not the only kind, by any stretch of the imagination. California was influenced, just like every region of the United States, with bungalows, late 19th century Victorians, all of that sort of thing, yes.

Q. But a good deal of what you worked on in California were the missions, did you not?

A. (Widell) No. Not necessarily. I was involved in creating a mission heritage trail between, what, Baja, California, which means "lower California", and us, to connect them, so people would better understand the connection between the two countries and how similar they are. But, no. Most of my work did not involve missions.

Q. Okay. Did you -- you did work in the Presidio,
correct?

A. (Widell) Yes.

Q. Again, so, this is SPNF Exhibit 215. And how long did you work on the Presidio and the designation of that, and could you explain what that is?

A. (Widell) Five years. I first would make note that this is not the part of the Presidio that I worked in. Most people do not realize that the Presidio in San Francisco has two portions Area A and Area B. I worked in Area B, where most of the buildings are.

What you are looking at is the part that is managed directly by the Golden Gate National Recreation Area. The Area B is where there are over 800 buildings, about 470 of which are historic. And I was the Preservation Officer for the Presidio Trust, a federal agency, responsible for turning it from a army post into a national park.

Q. Is this an example of some of the --

A. (Widell) Yes, it is.

Q. -- architecture you would see there?

A. (Widell) Yes.
Q. In the Presidio?
A. (Widell) Uh-huh.
Q. And what about this?
A. (Widell) Yes.
Q. And are these architectural styles that we would see in New England?
A. (Widell) I don't think you have any Mission Revival, but there may be some. There may be some. It was a popular style in the '20s. We did not identify any within the Area of Potential Effect for the Northern Pass Project that I can recall.
Q. Well, would it be accurate to say that, if you saw an example of this type of architecture in New England, it would be rather unusual?
A. (Widell) Maybe.
Q. And what about this one?
A. (Widell) It's the same property.
Q. So, this is also in the Presidio, correct?
A. (Widell) Yes. This is the Officers' Quarters. I mean, "Officers Club", excuse me.
Q. And, so, was the -- the Presidio was originally a Spanish fort, is that correct?
A. (Widell) Yes. It's actually our oldest one,
established in 1776, before the country even was created. This is a theater. And I would point out to you, and this is not unusual -- this is typical of the Presidio, but every military installation, there are standard building designs that are used all over the United States at military installations. They were created in the late 19th/early 20th century. And they did include some special provisions to make them more like the regional architecture. So, you would see this same building in Delaware. I don't know, there may be one in a military installation in New England. It wouldn't have little tiles like that to make it look like a Mission Revival structure, but it would be basically the same structure. The Army was pretty smart at just doing the same thing everywhere.

Q. Even though they might have been building the same thing everywhere, isn't a feature of the architecture some of the materials that are used?

A. (Widell) Yes. Uh-huh.

Q. And, so, the roofing tiles, for example, on
this, isn't that part of what contributes and
makes it look like the Mission style?
A. (Widell) Yes. Uh-huh.
Q. Okay. So, even if it's built in Delaware, or
New Hampshire, for example, it's not going to
look like this, is it?
A. (Widell) Yes. That's correct.
Q. Okay.
A. (Widell) Yes. That's what I was trying to --
they kind of regionalize it to make everyone
feel comfortable in the region where they were.
Q. Okay. So, is that considered a Spanish
influence or Mexican or Spanish style?
A. (Widell) We call it "Mission Revival".
Q. Okay. But doesn't that come from a cultural
basis? Isn't there a cultural basis to Mission
style?
A. (Widell) For the region, yes. Uh-huh.
Q. Now, based on the information in your CV, you
worked exclusively in California between the
years of 1994 and 2003, is that correct?
A. (Widell) Yes.
Q. So, for a period of approximately ten years?
A. (Widell) Uh-huh.
Q. And, before you were working in California, aside from the Frank Lloyd Wright project and your time in Japan, I understand it wasn't strictly on Frank Lloyd Wright, your work in the field was primarily in Maryland and New Jersey, is that correct?

A. (Widell) Yes.

Q. And you also stated in your profile that you began your career doing field studies documenting historic buildings and landscapes in Maryland, is that correct?

A. (Widell) Yes.

Q. And approximately what were those years that you did that work?

A. (Widell) Off the top of my head, I'm going to say 19 -- I know it began in 1976, and '84/85, probably.

Q. And, so, aside from that fieldwork then, and your perhaps field -- did you do fieldwork when you were the SHPO in California?

A. (Widell) I did not do fieldwork, no. I certainly reviewed inventory forms in special cases. But I did not personally do fieldwork in California.
Q. And what about fieldwork in New England?
A. (Widell) I have not done fieldwork in New England until this time, until participating in the Northern Pass Project.

Q. And have you done any other assessment projects in New England?
A. (Widell) I have not done any assessment projects in New England.

Q. Okay. From 2005 to 2008, you were based in Washington, DC, it looks like from your CV?
A. (Widell) Yes.

Q. As a Federal Market Leader?
A. (Widell) Uh-huh.

Q. And what does that mean?
A. (Widell) I was working with HNTB on projects, and, specifically during that time, I -- they had a contract with FEMA. And, painfully, given what's going on with Houston right now, we're all realizing that, I think today is the ten-year anniversary of Katrina. And, so, I was sent to Mississippi, and was involved in the identification of historic resources that were damaged by Hurricane Katrina, and then assisted with completing a Section 106 review.
for getting federal money to local communities and individuals to protect those historic resources following that very devastating event. So, I did fieldwork in Mississippi during that time period.

Q. And was it strictly Mississippi or was it also Louisiana?

A. (Widell) It was not Louisiana. It was just Mississippi.

Q. Okay.

A. (Widell) Which, if you will remember, that's actually where the hurricane hit. In Louisiana, it was the flooding that came from the canals.

Q. Yes.

A. (Widell) Yes.

Q. Yes, I remember. If we could go to SPNF 216. And, so, during -- you did that work?

A. (Widell) Yes.

Q. What is this we're looking at?

A. (Widell) This is Jeff Davis's retirement home, basically. And I got to tell you, I'm not remembering the name of it, but it is a national historic landmark. It did survive
Hurricane Katrina amazingly, I think because of the way it was constructed and it was elevated. The brand new museum next door to it, that was supposed to be able to withstand, you know, 100 mile an hour winds, fell apart, and many, many of the materials that were in that museum were lost.

Q. So, I don't know if they would pronounce it this way in Biloxi, Mississippi, but "Beauvoir"?

A. (Widell) "Beauvoir".

Q. Okay. Beauvoir.

A. (Widell) B-e-a-u-v-o-i-r. Thank you. It was going to drive me crazy if you didn't tell me.

Q. And another image of that?

A. (Widell) Yes.

Q. Okay. And did you -- and another image. Did you also do some work in Turkey Creek?

A. (Widell) Yes.

Q. Gulfport, Mississippi?

A. (Widell) Yes. Yes. A very important African-American historic district, that survived because it was on the opposite side of what I think was Route 90 and the railroad.
berm. And it was a place where African-Americans worked on obtaining turpentine, I think from trees primarily. It was modest. It had a number of those bungalows we were talking about, as I remember, you may have photographs. But, yes.

Q. So, that was Turkey Creek, in Gulfport, Mississippi.

A. (Widell) Uh-huh.

Q. So, this is SPNF 217. And what about Pass Christian?

A. (Widell) "Pass Christian".


A. (Widell) Pas Christian probably was damaged more than any of the other communities that were affected by the Hurricane Katrina.

Q. And this is part of SPNF 218. So, all of these types of properties that we've just looked at in Mississippi, where you are identifying the resources that had been damaged, and presumably what could be done to save them, are these architectural styles that are more likely to be found in Mississippi or down in the South?

A. (Widell) Yes, of course. And, because, once
again, the regional style considerations are  
always brought into architecture to respond to  
the climate and materials and --

Q. So, you probably didn't see any of these kinds  
of architectural styles here in New Hampshire?
A. (Widell) No.

Q. Okay.
Q. So, from 2008, let's move, from 2008 to the  
present time, your CV lists you as President of  
Seraph, LLC?
A. (Widell) Uh-huh.
Q. Widell Preservation Services?
A. (Widell) Uh-huh.
Q. Is that correct?
A. (Widell) Yes.
Q. Okay. And is that the Company you formed?
A. (Widell) Yes.
Q. Okay. And, in that capacity, you hire yourself  
out as an historic preservation consultant?
A. (Widell) Yes.
Q. So, in your work as a private historic  
preservation consultant, have you ever assessed  
a utility project impact on historic resources?
A. (Widell) Not as a private, no. No.

Q. And, in your years as a historic preservation consultant, either since 2008 or at any time before that, have you ever assessed the impact of a 192-mile linear utility project?

A. (Widell) No.

Q. Okay. And, since you've not done any work in New England up until this Project, or I believe you have testified that you were also retained to work on the Seacoast Reliability Project, is that correct?

A. (Widell) Yes.

Q. So, would it be fair to say that you've never appeared before the Site Evaluation Committee?

A. (Widell) Yes.

Q. So, the extent of your work in New England is all for this one client, is that correct?

A. (Widell) At this time.

Q. You haven't done any work in New England before now, is that correct?

A. (Widell) No. I have taught classes at the University of Vermont in their Masters Program for Historic Preservation as just a visiting professor.
Q. Right. But my question earlier was whether you had done any assessment of historic properties --
A. (Widell) No, I have not. Correct.
Q. -- fieldwork?
A. (Widell) I'm sorry. I'm sorry.
Q. You haven't done any of that in New England?
A. (Widell) No, I have not.
Q. Okay. So, all of your work, all the extent of your work has been for this one client, correct?
A. (Widell) Yes.
Q. Okay.

CHAIRMAN HONIGBERG: The two of you are going to break the stenographer's machine. So, please wait for the other one to be done before you start talking again.

WITNESS WIDELL: Thank you.
MS. BOEPPLE: Sorry.

BY MS. BOEPPLE:
Q. On Page 5, Lines through 3 through 12 of your supplemental testimony, you opine that the Site Evaluation -- Site 102.10, definition of the "Area of Potential Effect" is broader for
aesthetic impact review than for historic site impact review, is that correct?
A.  (Widell) Yes.
Q.  So, based on this definition, your opinion seems to be that impacts to historic sites should only be assessed if they're within one mile and not within 10 miles of an APE, is that correct?
A.  (Widell) Yes.
Q.  Isn't it possible that aesthetic impacts may also include impacts to historic sites, as they're more broadly defined under the SEC rules, rather than the narrower view?
A.  (Widell) No.
Q.  It's not possible?
A.  (Widell) No.
Q.  Okay.  In your prefiled testimony, you also discuss the Section 106 process, is that correct?
A.  (Widell) Yes.
Q.  And, under the Section 106 process, there are -- there's a definition of reaching an adverse effect, correct?  Isn't that what you just discussed with Mr. Roth this morning?
A. (Widell) Yes. I'm not sure that's in this part of my testimony. Are you referring to --

Q. No. I was just asking you the question.


Q. Okay. Are you familiar with the SEC rules 301.14, regarding criteria relative to findings of unreasonable adverse effects?

A. (Widell) Yes. I am familiar.

Q. Okay. So, isn't there a difference in those two definitions?

A. (Widell) Help me understand, Ms. Boepple, the definition of -- because what I'm looking at in Site 301.14 are the criteria applied by the SEC.

Q. Correct.

A. (Widell) Okay. And we want to compare that with the criteria in determining an adverse effect under Section 106?

Q. Correct.

A. (Widell) They are different, yes.

Q. Okay. But your analysis used the Section 106, the federal definition, is that correct?

A. (Widell) The federal definition of an "adverse effect", for determining adverse effect to
historic sites. Yes. That's exactly what we used, yes.

Q. Okay. So, you did not, in fact, use what the state has mandated is supposed to be the criteria for evaluating an unreasonable adverse effect?

A. (Widell) No. I would disagree with that, because the --

Q. Well, wait a minute. You just said that you used the federal standard.

A. (Widell) For individual properties. I did not -- this criteria talks about broad things, such as --

Q. That's correct. Yes, it does.

A. (Widell) -- all the historic sites, the number and significance of any adversely historic sites, the extent, nature, and duration on them. So, that's a very different thing than an adverse effect, where you are looking at defining in Section 106, and they are separate processes for sure, but complementary, in the case of the proceedings for SEC. It diminishes the integrity of a property, basically, and an undertaking would cause it to diminish the
things that make it -- character-defining
features that make it eligible for a National
Register, as there's a definition of "adverse
effect" under Section 106. That's very
different than looking at all of the sites, all
of the --
Q. We agree that there are two different
definitions?
A. (Widell) Uh-huh.
Q. Okay. And your testimony was that you used the
Section 106 analysis, correct?
A. (Widell) Definition, yes.
Q. Okay.
A. (Widell) For determining adverse effect.
Q. Thank you.
A. (Widell) Yes.
Q. Thank you. Let's move on to Page 6, Lines 3
through 5 of your supplemental testimony. You
state that 12,904 resources, as identified in
the Heritage Properties report, is an
extraordinary number of properties "to suggest
for review under Section 106 and the SEC
rules". Is that your testimony?
A. (Widell) Yes.
Q. But haven't you just testified that your sole experience in New England, as an historic preservation consultant, has been for this one client, on this Project and on the Seacoast Reliability Project, correct?

A. (Widell) Help me understand what you're asking --

Q. Okay. What my question simply is, --

A. (Widell) Okay.

Q. -- you have made a judgment call on another expert's finding that there were 12,000 and some odd -- excuse me -- resources that were identified, and you called that "an extraordinary number".

A. (Widell) Yes.

Q. So, what is that based on? You don't have any experience in New England, correct, with the exception of this Project? That is my question.

A. (Widell) My --

CHAIRMAN HONIGBERG: Which of those questions do you want her to answer?

MS. BOEPPLE: Okay. My -- sorry.

BY MS. BOEPPLE:
Q. My question is, you've made a statement about another expert's finding that there were that many resources, and you've said that's "an extraordinary number" correct?

A. (Widell) Yes.

Q. You've also testified that the extent of your experience in New England is for this Project and for the Seacoast Reliability Project, is that correct?

A. (Widell) Yes.

Q. So, how is it that you have more experience and could say with such certainty that another expert has reached presumably an unreasonable finding of that number of resources?

A. (Widell) Primarily, because of my decades of professional experience in the field of historic preservation nationwide, not just related to New England. There is a process which we are reviewing over and over again in this hearing whereby you identify properties that are 50 years old or older, you determine their significance, then you determine integrity, then you apply the definition of an adverse effect to those historic properties.
It is not crazy science. It has been done repeatedly over and over and over again, beginning in the 1960s. It is the established way that my field determines what is significant and needs to be cared for through projects like this, how you determine the effects, --

Q. Ms. Widell.
A. (Widell) -- and you do it very carefully and thoughtfully, and that is what we have done in this.

Q. I understand the process. You've explained the process.
A. (Widell) Okay.

Q. I understand that.

MR. WALKER: Objection. She asked the question, and she's answering the question. I don't think she likes the answer, --

MS. BOEPPLE: No.

MR. WALKER: -- but she's answering the question.

CHAIRMAN HONIGBERG: I sensed you were done, Ms. Widell. Did you have more you wanted to say?
WITNESS WIDELL: It's okay. Thank you.

BY MS. BOEPPLE:

Q. Okay. I understand the process. I also want to be very clear here, you also testified that this is the first project of 192 miles of a linear utility project that you've assessed, is that correct?


Q. Okay. Let's move on to Page 10, Lines 26 through 30 of your supplemental testimony. Where you state that 99.5 miles of the proposed project would be constructed within an existing right-of-way, and that therefore mitigates the potential impact on historic resources?

A. (Widell) Yes.

Q. Is that correct?

A. (Widell) Yes.

Q. But is it not possible that the introduction of new steel structures into that right-of-way could have an impact?

A. (Widell) Yes.

Q. Okay. And, in your testimony during Mr. Roth's questioning, you stated that the corridor --
your testimony earlier in this proceeding, and
if I'm missummarizing this, please correct me,
but I believe you stated that "because it was
an existing corridor, that that somehow
minimized the potential impacts on historic
resources that were identified." Is that a
fair statement? And I don't mean to put words
in your mouth.

A. (Widell) The existence of the corridor
generally, because it has been there at least
60, in many, many places 90 years, and the way
it was constructed, which was on bottomland,
lower areas, definitely prevented a lot of
visual effects on historic properties. But
that doesn't mean that there are none.

Q. Right. But isn't it possible that the corridor
alone, when you introduce perhaps more clearing
and new structures, could have an impact, is
that correct?

A. (Widell) Yes. And that's exactly what we
reviewed over and over again in our assessment
forms and in the effects tables that have been
submitted to DHR. Those are exactly the types
of things that we looked at.
Q. Am I correct that you now live in Chestertown, Maryland?

A. (Widell) Yes.

Q. And have you done any work in Chestertown, Maryland, as an historic preservation consultant?

A. (Widell) Yes.

Q. Okay. On Page 12, Lines 7 through 10 of your supplemental testimony, you state that a monopole sticking above the view of a church would not have an adverse impact, is that correct?

A. (Widell) Yes.

Q. I'd like to show you what's been marked as SPNF 219 exhibit. And I'm going to ask you to review what you said about a cell tower that was proposed for a location in your --

A. (Widell) Uh-huh.

Q. Let me just finish the question. In your hometown of Chestertown, Maryland, and the potential impact on the historic district. And the article identifies Barbara Pivec as the representative of the communications company, Verizon, and she holds herself out as "a
consultant in specializing in finding appropriate tower sites for communication companies". Is that correct?
A. (Widell) Yes.
Q. Okay. And, then, is the article also correct in identifying Paula Ruckelshaus as a spokesperson for the Still Pond Neighborhood Association, and that you were there to provide technical and legal commentary?
A. (Widell) Yes, as a volunteer.
Q. Okay. But you did that as a volunteer, but you are using your professional qualifications to provide your opinion, is that correct?
A. (Widell) Yes.
Q. Okay. So, you were providing a professional assessment on behalf of Still Pond Neighborhood Association, albeit as a volunteer, correct?
A. (Widell) Yes.
Q. And was this in connection with a review by the Kent County Historic Preservation Commission?
A. (Widell) Yes, it was.
Q. Okay. And did this occur at a special meeting on or about September 9th, 2009?
A. (Widell) Yes. Uh-huh.
Q. I'm directing you to the section of the article which focused on your summation of the Federal Code and assessment of the impact of the wireless tower, and ask if this is an accurate summation of the testimony: "Ruckelshaus said that, according to criteria established in the code of federal regulations, the tower would have an adverse effect on the Still Pond Historic District. Widell said the applicable law is 36 CFR 800.5, which covers the effects of development on historic properties, and which governs Verizon's application for FCC approval for the tower."

"Widell quoted the description of Still Pond in its nomination for historic district status, singling out such phrases as "remarkably well preserved" and "significant historic integrity" as applied to the town and the surrounding countryside. She said that the tower would "substantially alter" those characteristics."

Is that an accurate summation of what you stated?

A. (Widell) Yes, it is.
Q. Okay. The article then goes on to say that "To document that assertion, Ruckelshaus then showed a group of photos taken from various points in and around the town during a "balloon test" conducted by Verizon to estimate where the tower would be visible. She said that the balloon used for the test is smaller than the top of the tower, yet it would be visible from" -- "year-round from at least 25 properties within the historic district."

Is that an accurate description of what occurred during the hearing?

A. (Widell) Yes.

Q. The article then reports that Verizon spokesperson "Pivec said that many of the photos were taken from areas where no one was likely to be looking in the direction of the tower. She also said that only 15 percent of the tower would be visible from most locations in and around the village."

Is that also accurate?

A. (Widell) Yes.

Q. According to the article, you then said "that nothing in the regulation defines an acceptable
percentage of visibility for a tower."
A. (Widell) That's correct.
Q. So, is that all an accurate reporting of what occurred before the Kent County Historic Preservation Commission?
A. (Widell) Yes, I believe so. Uh-huh.
Q. So, in that context, your expert opinion was that the wireless tower would have -- would have an adverse effect on the historic district, even though perhaps only 15 percent of the industrial structure, the wireless tower, would be visible, is that correct?
A. (Widell) Uh-huh.
Q. So, in that case, you were looking to the Code of the Federal Regulation to assess the impact on the historic resources, correct?
A. (Witness Widell nodding in the affirmative).
Q. And you pointed out that the Code does not define acceptable percentage of visibility of the tower, is that correct?
A. (Widell) Yes.
Q. Isn't it also the case here that the SEC rules don't define the percentage of visibility of a structure?
A. (Widell) For historic properties, the
assessment does not define a percentage that
needs to be seen, that's correct, in either the
SEC rules or the -- for historic properties, or
Section 106.

Q. Okay. I'd like to show you --

    MS. MANTEAU: Dawn, could you switch
to the ELMO please?

    MS. BOEPPLE: I'm sorry. Could we
    switch to the ELMO? Thanks.

BY MS. BOEPPLE:

Q. So, I'm showing you what has already been
    submitted, I believe, as Applicants' Exhibit
    196. And this is one of the effects tables
    that was just recently filed.

A. (Widell) Yes. I'm trying to get a copy of it
    here.

Q. Okay.

A. (Widell) If I could just take a second here,
    please. Okay. I'm ready. Thank you.

Q. So, we're looking at the effects table for the
    Nottingham Road Historic District.

A. (Widell) Yes. Uh-huh.

Q. Correct?
A. (Widell) Uh-huh.

Q. If we could go to the second page of the effects table, which -- and could you read the highlighted section please.

A. (Widell) "One or two new transmission line structures will be visible in views of two historic farmsteads from Nottingham Road. The Project will be in view from open land associated with historic buildings in only four properties. The Project will not be in view for the overwhelming majority of the district. Buildings and associated land were only in view from within an historic wooded setting on the parcel removed from the buildings."

Q. And then down at the bottom, the highlighted section.

A. (Widell) "No adverse effect."

Q. Okay. So, in this situation, despite new structures being visible from historic properties, you find that there's no adverse effect. Whereas, in Chestertown, your hometown, where 15 percent of a cell tower might be visible from some historic properties, that was an adverse effect, is that correct?
A. (Widell) Let me clarify a few things.

Q. No. It's just is that right or not?

A. (Widell) No.

Q. There's two different opinions you've given, is that correct?

A. (Widell) I don't view it that way, if I can explain.

Q. Okay.

A. (Widell) Still Pond is a very -- it looks like what it sounds like, it is a very rural district, where a cultural landscape had actually been identified by the Department of Transportation for Maryland. And they had not taken that into consideration for Still Pond. So, it was not -- it did not take place in Chestertown at all.

Q. I stand corrected, in terms of the location. However, it was still a location where there was an impact that you determined would be adverse, correct?

A. (Widell) Yes.

Q. And you find there won't be any adverse impact here, is that correct?

A. (Widell) Yes. That's correct.
Q. Okay. Let's take a look at another effects table. And this one is -- this is also part of Applicants' Exhibit 196. And this is 178 -- excuse me, 170 Nottinghill [Nottingham?] Road, in Deerfield?
A. (Widell) Yes.
Q. Did you find that -- do you see that? Do you recognize that?
A. (Widell) Yes, I do.
Q. Okay. And let's turn the page over please. Thank you. And could you read the highlighted section here.
A. (Widell) "Any views of the Project from the property, which would be from areas of the field, will be of a distant section of the line and will be limited in scope. They will not introduce visual elements that will diminish the property's setting or landscape."
Q. But they will still be visible, is that correct?
A. (Widell) Yes.
Q. Okay. And, then, down at the bottom again, you reached a conclusion of "no adverse effect"?
A. (Widell) Yes.
Q. Okay. And this is another one of the effects
tables. And this is the Deerfield Center
Historic District?
A. (Widell) Yes. Uh-huh.
Q. And you recognize this?
A. (Widell) Yes, I do.
Q. And let's turn this over please. And could you
read the highlighted section of this.
A. (Widell) "Depending upon the viewpoint, one new
transmission line structure will be visible in
relation to one historic building from within
the district. The Project will not be in the
views of the majority of the other contributing
historic buildings or throughout the entire
length of the district."
Q. But it could be visible and it could stick up
above the church steeple, is that correct?
A. (Widell) Yes.
Q. In fact, there's a DeWan simulation that shows
it will do exactly that, is that correct?
A. (Widell) No.
Q. You don't know or you're uncertain?
A. (Widell) No. The DeWan photo simulation does
not show that.
Q. Okay. There is a simulation that's part of the record that does show that. And I'm incorrect that it was Mr. DeWan's?
A. (Widell) Yes.
Q. Have you seen other photo simulations that were done in connection with this Project?
A. (Widell) Yes. I believe you are referring to the T.J. Boyle photo simulations.
Q. All right. So, you are familiar with the photo simulation I'm referencing?
A. (Widell) Yes.
Q. Thank you. So, we would see a structure above an historic property, is that correct?
A. (Widell) In that photo simulation, it indicates that.
Q. Likely, okay. And, again, you find that that's no adverse effect, correct?
A. (Widell) Yes.
Q. I believe this is the last one I wanted to use. So, this is Plain Road Historic District?
A. (Widell) Uh-huh.
Q. And do you recognize this effects table?
A. (Widell) Yes, I do.
Q. Okay. And this is also part of Applicants'}
Exhibit, whatever I said before, 196, thank you. Again, this is where you have identified -- is it fair to characterize the summary section that talks about the impact, but you find no adverse effect?

A. (Widell) Yes. We found no adverse effect on this property.

Q. Thank you. Okay. So, in your professional opinion, in one situation in Maryland, where 15 percent of an industrial structure would have an unreasonable adverse impact on an historic property, but you're finding, in this situation, where a new pole introduced to a viewshed for an historic property, won't have an unreasonable -- won't have an adverse impact?

A. (Widell) No. That's not true.

Q. But we've just gone through effects tables, and you found no adverse impact, correct?

A. (Widell) I did not apply the "unreasonable adverse affect" criteria in Maryland. It doesn't exist in the Section 106 process. The "unreasonable adverse effect" measure does not exist in the Section 106 process. You're only
looking at whether there is an adverse effect
to individual historic properties, and that is
what I was doing in Maryland, just like what
you do in California, Mississippi, or New
Hampshire. Applying the federal standard for
Section 106 is the same and works over and over
again, the same in every state in this nation
by professionals looking at whether a project
will cause an effect on an historic property.

Q. I think we just said the same thing.
A. (Widell) I have to disagree, because you asked
me to apply the "unreasonable adverse effect"
criteria to Maryland, and I did not apply that.
I did not apply that individually on a property
in Maryland.

Q. No. You used the Section 106 process in
Maryland, correct?
A. (Widell) Yes.
Q. Okay. But you also said you used the Section
106 process assessment here, correct?
A. (Widell) Yes. And, then, I also applied the
criteria broadly to come to my decision in the
testimony that this Project will not cause an
unreasonable adverse effect, as a project, to
Q. Right. But these are individual effects
tables, correct, --
A. (Widell) Yes.
Q. -- that we just went through?
A. (Widell) Yes.
Q. And, with each one of those individual historic
properties, you made a determination, correct?
A. (Widell) Yes.
Q. Okay. When you moved to Chestertown, Maryland,
a section of the town was already designated as
a historic district, and listed on the National
Register, is that correct?
A. (Widell) Yes. It's actually a national
historic landmark. It has the highest
designation that the National Park Service can
give.
Q. And have you provided testimony or expert
opinion before the Chestertown Historic
District Commission?
A. (Widell) Yes.
Q. And was one of those properties the Garfield
Center for the Arts?
A. (Widell) Yes, it was.
Q. And was that on an application for an LED sign?
A. (Widell) Yes.

Q. So, did you provide testimony and an expert opinion on that application?
A. (Widell) Yes.

Q. So, you were representing the applicant?
A. (Widell) Yes.

Q. And, during that proceeding, isn't it also true that the town's attorney recommended that the Historic District Commission hold a rehearing due to a "misleading information that you presented during the first hearing"?
A. (Widell) That was his statement. Yes.

Q. And isn't it also true that the misleading information that he -- he characterized it as "misleading information", that you made was a representation that the National Park Service gave an official opinion about the application, when, in fact, the Park Service had not done so?
A. (Widell) Yes.

Q. Okay.

A. (Widell) I would be happy to provide you with more information about that.
Q. I have the minutes from the meeting.
A. (Widell) Uh-huh.
Q. We can -- we'll submit that as an exhibit.

MS. MANTEAU: Dawn, could you switch back to the computer please? Thank you.

Sorry, Dawn. Back to the ELMO please.

MS. BOEPPLE: Sorry.

BY MS. BOEPPLE:

Q. So, I'm showing you a letter from the Garfield Center for the Arts. Do you recognize that?
A. (Widell) Yes.
Q. And does it state that it's a "Request to Correct the Record"?
A. (Widell) Yes.
Q. Okay. And does it state that "John Sprinkle, a historian with the National Park Service, called [the Garfield Center for the Arts] Project Architect, Peter Newlin, to explain that he had provided [their] expert witness", you, "Cherilyn Widell, with a "private and personal opinion" on the appropriateness of the Garfield's sign under the Secretary of the Interior's Standards, which opinion he believes..."
he had clearly indicated to you could not be
construed to be that of the National Park
Service"?
A. (Widell) Yes.
Q. And that the letter to Garfield submitted in
evidence indicated otherwise?
A. (Widell) No.
Q. You don't agree with his letter?
A. (Widell) No.
Q. Okay. So, your -- the Garfield Center for the
Arts submitted a letter. Did the town decide
to hold a rehearing?
A. (Widell) Yes.
Q. Okay. And that was based on their
understanding that you had made a
representation that Garfield, your -- the
employer, your employer, retracted?
A. (Widell) It was their understanding that I had
stated it was the "official position of
National Park Service". I had stated that I
had gotten the information from a colleague at
the National Park Service.
Q. Okay. I'm showing you the minutes from the
Historic District Commission.
A. (Widell) Uh-huh.

Q. December 5. And, if you go to the second page -- sorry, just give me a minute please. This, from the second page through, is this the original -- are these the minutes from that meeting where you presented testimony?

A. (Widell) I can't be sure, but I accept your statement that they are.

Q. Okay. And you gave an opinion about an LED sign, is that correct?

A. (Widell) Yes.

Q. Okay. And that it met the Secretary of the Interior's Standards, is that correct?

A. (Widell) Yes.

Q. Okay. And that you submitted a letter for the record?

A. (Widell) Yes.

Q. Those are all correct. Okay.

MR. IACOPINO: What page are you on?

MS. BOEPPLE: Sorry. This is Page 3 of the -- I'm sorry. And I thought we had this marked as an exhibit, but we will mark it as an exhibit and submit it.

BY MS. BOEPPLE:
Q. So, this was to review the sign. Then, if we can go to -- and action was taken by the Commission, is that correct?

A. (Widell) Yes.

Q. Then, we have an agenda, if we can go onto the next page. Yes. So, this shows -- sorry. I'm getting my dates mixed up here, sorry. Right. So, this is the agenda for the Historic District Commission, where you were on the agenda to present testimony, correct? Do you see that as Item (b), under 3, "New Applications"?

A. (Widell) I see that item. I don't see that I was there. And I honestly cannot recall precisely.

Q. Well, that's the agenda for the meeting of the minutes that we just went through.

A. (Widell) Okay.

Q. So, you were there.

A. (Widell) Okay.

Q. And you provided testimony. So, then, in -- following that hearing is when, if we go back to that letter from Garfield Center for the Arts, there was a Request to Correct the

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Record. So, it was sometime during that
hearing that information had been presented, is
that correct?
A. (Widell) Yes.
Q. Okay. So, in asking to correct the record, is
it accurate that there was a new hearing that
was held?
A. (Widell) Yes.
Q. Okay. We're going to go back to your
supplemental testimony for a couple of
questions. So, are you familiar with The Rocks
Estate?
A. (Widell) Yes.
Q. And have you been there?
A. (Widell) Yes.
Q. Are you aware of the history of The Rocks
Estate?
A. (Widell) Yes.
Q. So, you know that it's on the National
Register, is that correct?
A. (Widell) Yes.
Q. And you also know that it's within the area
designated -- the designated Area of Potential
Effect?
A. (Widell) Yes.
Q. And do you know under which categories it was nominated for the National Register?
A. (Widell) I'm going to -- certainly, landscape architecture and conservation, I believe would be two of them, yes.
Q. That's okay. We have the National --
A. (Widell) Okay.
Q. We have the nomination, the National Register nomination.
A. (Widell) I have reviewed it, but it has been a while since I've looked at the nomination.
Q. That's okay. I don't expect you to remember every detail related to the property.
A. (Widell) Okay. Thank you very much.
Q. So, let's take a look at the National Register. So, I'm showing you SPNF Exhibit 222. And this is the first page of the Inventory -- the Nomination Form. Does that look like --
A. (Widell) Yes.
Q. -- a typical Inventory Nomination Form?
Q. Okay. So, let's go to -- so, we're now looking at Page -- the Significance page of the
Nomination Form. And can you see the
highlighted sections?
A. (Widell) Yes.
Q. Okay. And what do those say?
A. (Widell) "The Rocks is one of the best
preserved of the numerous grand private estates
that appeared in New Hampshire during the late
19th century. The surviving structure of the
estate represent one of the finest collections
of turn-of-the-century special-purpose
buildings remaining in New Hampshire. The land
survives today in much the same condition in
which it was acquired by John J. Glessner,
except that areas which then had been recently
deforested or recently abandoned as fields now
support mature stands of shade-tolerant
hardwoods and conifers."
Q. And let's go back to the first page.

MS. BOEPPLE: Sorry. I'm sorry, the
second page. Page 3. "Areas of Significance"
at the top. Are we -- no, that's not Page 3.
I don't know why these are mixed up, but this
is the page that I want.

BY MS. BOEPPLE:
Q. Okay. Can you see the Areas of Significance that are checked off there?
A. (Widell) Yes.
Q. And what are those?
Q. So, this is a property that qualified for National Register listing based on several different criteria, correct?
A. (Widell) Areas of Significance, yes.
Q. Areas of Significance.
A. (Widell) Uh-huh.
Q. Okay. And I believe you testified earlier under Mr. Roth's questioning that you talked about the Weeks State Park, and that that was listed on the National Register. But I thought you said that was the only property that was listed on the National Register that was along the route or would be impacted?
A. (Widell) No.
Q. You did not testify to that?
A. (Widell) No. What I may have said is that Weeks -- that the mansion at Weeks was the only
property that's actually listed on the National Register within the cultural landscape that recently was identified in that area.

Q. I'm talking about, whenever that was, weeks ago, when you were --

A. (Widell) No. I don't believe I would have said that.

Q. Okay. So, you agree that this is a property that's on the National Register. And would you agree that this is a property that could be impacted by this Project?

A. (Widell) Yes.

Q. Okay. And I believe, within the description of this property, it states "The site of the estate had originally been chosen because of its extensive views of distant mountains and valleys, and the principal houses had been placed to take advantage of these vistas." And that's on Page 8 of the Nomination Form. Did I accurately read that?

A. (Widell) Yes.

Q. So, that seemed to be a fairly important aspect of this nomination, is that correct?

A. (Widell) Uh-huh.
Q. Would that be fair to say?
A. (Witness Widell nodding in the affirmative).

Q. And the narrative also states, on the following page, that "The motives behind the creation of all of these grand summer estates tended to be similar: Escape from large cities, enjoyment of natural beauty and fresh air, privacy, an opportunity to indulge in local philanthropy, and, usually, the practice of some sort of agricultural." Correct?
A. (Widell) Yes.

Q. Does that not indicate that the landscape is a relatively important part or feature for this historic resource?
A. (Widell) Yes. And, as we know, it was a designed landscape by Frederick Law Olmsted, yes.

Q. Okay.

[Court reporter interruption.]

BY THE WITNESS:

A. Law, L-a-w, Olmsted, O-l-m-s-t-e-d, I believe. I don't believe there is an "a" in there.

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there should be more to determining an adverse
effect on this historic property than checking
the review box under Section 106?
A. (Widell) I'm not sure I understand your
question exactly. "More than checking a box"?
I'm not sure what you're referring to,
honestly, Ms. Boepple, in that.
Q. All right. On the effects table. So, well, my
real question is, did you find that there was
adverse effect, there would be an adverse
effect on this property?
A. (Widell) No.
Q. Okay. Are you familiar with the potential
relocation of one of the transmission
structures that might bring it within the
viewshed of The Rocks Estate?
A. (Widell) We would have considered that in the
effects review.
Q. So, a potential structure within this -- we've
just agreed that the viewshed is fairly
important, correct?
A. (Widell) Yes.
Q. As part of this property. So, a new structure
being introduced of some industrial structure
is not going to have an adverse impact on this
property?
A. (Widell) It might, it might not. That is
exactly the work that we have been doing, is
very carefully looking at the significance of
the properties, and then what effect the
Project may have. And, of course, we're also
doing about three miles of underground within
the viewshed of The Rocks Estate for this
Project.

Q. But, if there's a new structure that gets
introduced, might that change your opinion?
A. (Widell) We would take it into account in doing
an effects of the historic property.

MS. BOEPPLE: Okay. If I can just
have a minute, I want to make sure I'm not
repeating questions that Counsel for the Public
asked this morning.

(Short pause).

BY MS. BOEPPLE:

Q. So, let's go back and talk a little bit about
those effects tables. And there were quite a
few, in fact, I would say that the stack is
quite large, that were filed relatively
recently, is that correct?

A. (Widell) We have submitted 56 effects tables, yes.

Q. Just within this last month, correct?

A. (Widell) Since July 17th, I believe is the date. Yes.

Q. And the caption on all of those, they're all specific for the Northern Pass Project, correct?

A. (Widell) Yes. The format was done by DHR, and provided to Northern Pass to complete. So, the format and all of the blocks and verbiage that's included was instructed and done at the request of the Division of Historic Resources.

Q. Right. And that was done specifically for the Section 106 process, correct?

A. (Widell) Yes.

Q. Because the DHR has authority with respect to the Section 106 process, correct?

A. (Widell) Yes.

Q. So, as part of the review under the effects table -- okay. So, we're looking at Page Hill Agricultural Historic District. Do you recognize that?
A. (Widell) Yes. I'm pulling it up in my effects tables.

MS. BOEPPLE: Okay. If we could go to the second page. This has also been already submitted as Applicants' Exhibit 196. I'll remember that number eventually. Thank you.

BY MS. BOEPPLE:

Q. And here it states "This Project will not introduce visual elements that diminish the integrity of setting and views that are significant features of the Historic District, but the Project will be between 0.6 miles and 1.5 miles from the historic buildings and open land on Twin Mountain Road." Is that what it says?

A. (Widell) Actually, it says "0.8 miles and 1.5 miles", if I can correct you. Yes.

Q. I believe it says "0.6 miles and 1.5 miles". This is what I got from DHR.

A. (Widell) Okay.

Q. I think we're all looking at the same thing.

A. (Widell) I'll accept your correction.

Q. Maybe you have a different effects form?

A. (Widell) I don't think so.
Q. Let's assume it's 0.6, at least that's --
A. (Widell) I'm happy to assume it's 0.6.
Q. Okay. So, and then it goes on to talk about
"3-D modeling shows that it will not be visible
from the District due to the distance, lower
elevation, and intervening wooded terrain."
A. (Widell) Yes.
Q. Is that correct?
A. (Widell) Yes.
Q. How do you know it's not going to be visible?
A. (Widell) There are a number of things that we
did to determine this. First off, in site
visitation, viewing the existing line, and
whether you can see the existing line. Of
course, we know that the structures will become
higher. And, so, if you can see the existing
line, then we know that it might be likely that
you can see the new project.

Then, we also, and in this case we talked
specifically about doing 3-D modeling. Where,
using Google Earth, the topography is laid in a
computer setting. The actual project, which is
put together by the engineers, the heighth of
the structure, the drop of the conductors, the
actual location of the structures in a particular landscape in that topography. And, then, in addition to that, if there is vegetation, such as trees, the conservative height of trees being 40 feet, are located where those trees would actually be in the landscape. And that are -- those are two of the views.

We start, of course, with determining through the Zone of Visual Influence whether the viewshed mapping shows any possibility. So, that's the starting point, then site visitation, then computer modeling, 3-D modeling.

Sometimes we do visual simulations or photo simulations of the location as well. And you will see that in the effects tables, sometimes they are included.

Q. And did you -- did you just describe a process where you're also making assumptions about trees that are there, and that those are part of the simulation or they're part of the modeling that you're doing?

A. (Widell) Yes.
Q. So, is there an assumption that those trees are going to stay there, they're not going to get cut down, that the vegetation is going to remain the same?

A. (Widell) We are making an assessment of the setting of the historic property as it exists at the time we do the effect.

Q. The historic property as it exists, but what about any changes to the right-of-way, for example? Tree cutting?

A. (Widell) Yes. That is indicated on the model of the Project itself. That computer model that has been developed by the engineers, it indicates exactly where there will be vegetation removal within the corridor due to the Project.

Q. But there's also nothing taken into account potential clearing that might be -- you've described a setting where there's control by the Applicant over a right-of-way. Is that a fair assessment? The Applicant only has control over the right-of-way, correct?

A. (Widell) Yes.

Q. Okay. So, there may be some distance between
the edge of the right-of-way and the historic
property, is that correct?
A. (Widell) Yes.
Q. Okay. And the Applicant isn't going to have
control over that area, from the edge of the
right-of-way to the historic property, correct?
A. (Widell) Correct.
Q. And, so, the modeling and the assumptions are
all based on only what the Applicant has
control over, correct?
A. (Widell) Yes.
Q. Okay. So, this is another effects table. And
this is the Groveton --
A. (Widell) Uh-huh.
Q. -- Village Historic District. And the
highlighted section says "Though viewshed
mapping shows potential visibility from several
locations in the District, on-site survey and
3-D modeling indicates that there will be no
views due to topography and dense, mature
vegetation screening." Is that correct?
A. (Widell) Yes.
Q. Again, this is assuming that the vegetation and
screening has an effect only what the Applicant
can control? Nothing that is outside of their
control, correct?
A. (Widell) Yes.
Q. Okay. And the findings of "no adverse effect"
have to do with some of this vegetation and the
screening, correct?
A. (Widell) Yes.
Q. Okay. I believe that you've also stated, and
you stated this during Counsel for the Public's
questioning, that the use of a monopole as a
mitigation measure, is that correct? As
opposed to a lattice structure?
A. (Widell) I would -- I would classify it more as
a minimization.
Q. So, it's going to reduce the effect, but it's
not going to eliminate the effect, correct?
A. (Widell) Yes.
Q. Okay. Is it fair to also say that, despite it
minimizing, it's still introducing perhaps an
industrial element into the landscape?
A. (Widell) No, not necessarily. As we've
discussed, within 90 miles, there has been an
existing transmission corridor there for 60 to
90 years. So, there is already --
Q. Not with structures -- excuse me. But not with structures of the height that we're talking about in this Project, correct?

A. (Widell) That is true.

Q. Okay.

A. (Widell) But it is not "introducing" a new industrial structure. There is an industrial transmission line there already. Yes, they're larger structures, they're different structures, they're in different locations. That all needs to be taken into consideration and has been. But it's not new, in at least 90 miles of the existing right-of-way.

Q. So, you're saying that, despite it being much taller, and perhaps broader, it's not a new structure that's being introduced, because there's a wooden telephone pole in the right-of-way?

A. (Widell) No. No, I didn't say that.

Q. Well, you seem to indicate that the existing corridor and the existing structures are there, and that therefore the new structures, which are taller, there's no question they're going to be taller, correct?
A. (Widell) Yes.

Q. That that alone does not create an adverse effect, correct?

A. (Widell) That alone does not cause an adverse effect.

Q. Okay.

A. (Widell) That's correct, yes.

Q. Okay. And that's your opinion?

A. (Widell) That is based on how we apply determining a visual adverse effect to historic properties.

Q. But, where you had a cell tower, with 15 percent of the top visible, that was an adverse effect?

A. (Widell) Once again, each -- each property, historic property, must be evaluated based on its setting, its feeling, and its association, which are precisely the qualities that feed into whether there will be a visual adverse effect on an historic property.

You cannot generalize and say, just because these particular buildings are all of one type, that you have similar results. You do not. You must take a look at each property.
And that is exactly what we have done with this Project, in a very careful manner, over and over again.

MS. BOEPPLE: So, I have a series of questions from AMC, who originally were not going to be able to be here during the first hearings with you, Ms. Widell. They will probably take a half hour, 45 minutes. So, I could do that, or, if you wanted to break, we could come back. It's your choice.

CHAIRMAN HONIGBERG: Just go off the record for a minute.

[Brief off-the-record discussion ensued.]

CHAIRMAN HONIGBERG: All right. Then, we'll break now.

WITNESS WIDELL: Okay.

CHAIRMAN HONIGBERG: We'll break, and we'll come back before one o'clock.

(Lunch recess taken at 11:54 a.m. and concludes the Day 28 Morning Session. The hearing continues under separate cover in the transcript noted as Day 28 Afternoon Session ONLY.)
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)