

1 **STATE OF NEW HAMPSHIRE**

2 **SITE EVALUATION COMMITTEE**

3 **August 29, 2017 - 9:04 a.m.**

DAY 28

4 49 Donovan Street
5 Concord, New Hampshire

Morning Session ONLY

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

7
8 **IN RE: SEC DOCKET NO. 2015-06**
9 **Joint Application of Northern**
10 **Pass Transmission, LLC, and**
11 **Public Service Company of**
 New Hampshire d/b/a Eversource
 Energy for a Certificate
 of Site and Facility.
 (Hearing on the merits)

12 **PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:**

13 **Chrmn. Martin P. Honigberg** Public Utilities Comm.
 (Presiding as Presiding Officer)

14 **Cmsr. Kathryn M. Bailey** Public Utilities Comm.
15 **Dir. Craig Wright, Designee** Dept. of Environ. Serv.
16 **Christopher Way, Designee** Dept. of Business &
 Economic Affairs
17 **William Oldenburg, Designee** Dept. of Transportation
18 **Patricia Weathersby** Public Member

19 **ALSO PRESENT FOR THE SEC:**

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

21 Pamela G. Monroe, SEC Administrator

22
23 *(No Appearances Taken)*

24 **COURT REPORTER: Steven E. Patnaude, LCR No. 052**

I N D E X

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(resumed) VICTORIA BUNKER**

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[WITNESS PANEL: Widell~Bunker]

1 **P R O C E E D I N G**

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

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

7 *[No verbal response.]*

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

10 (Continuation of the
11 cross-examination of ***Cherilyn***
12 ***Widell*** and ***Victoria Bunker.***)

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

15 WITNESS WIDELL: Good morning, Mr.
16 Roth.

17 MR. ROTH: Now, when we were last
18 here, the Chairman admonished me to get
19 everything done in a half hour. I will attempt
20 to do that. However, there was some new
21 information that came in very recently that I'm
22 going to ask a few questions about that may
23 take me a little bit beyond my, well, allotted
24 half hour.

{SEC 2015-06} [Day 28/Morning Session ONLY] {08-29-17}

[WITNESS PANEL: Widell~Bunker]

1 **CHERILYN WIDELL, Previously Sworn**

2 **VICTORIA BUNKER, Previously Sworn**

3 **CROSS-EXAMINATION (resumed)**

4 BY MR. ROTH:

5 Q. I'm going to start with where I left off, which
6 was with King's Square, in Whitefield. Are you
7 familiar with that, Ms. Widell?

8 A. (Widell) Yes, I am.

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

11 A. (Widell) Yes, it is.

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

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

24 Q. Right. Okay. Perhaps I miss -- I used the

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1 wrong term. When you and the Preservation
2 Company did your assessments for your
3 October 2015 testimony and the report that's
4 contained in Appendix 18, you did not do an
5 assessment form for King's Square, did you?

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

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

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

12 Q. So, --

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

15 MR. ROTH: Okay. Applicants' Exhibit
16 1, 16321. Can you rotate it?

17 MS. MERRIGAN: Yes.

18 BY MR. ROTH:

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

24 A. (Widell) Yes. I see that.

[WITNESS PANEL: Widell~Bunker]

1 Q. And you called this here the "Whitefield
2 Village/Town Center", correct?

3 A. (Widell) Yes.

4 Q. Is this King's Square?

5 A. (Widell) Yes.

6 Q. Okay.

7 A. (Widell) This is the area of the village
8 itself.

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

17 A. (Widell) Yes.

18 Q. And, so, this is why you didn't do a more
19 thorough assessment of this, of this area?

20 A. (Widell) Yes.

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

[WITNESS PANEL: Widell~Bunker]

1 aspect of integrity of this location, is there?

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

4 Q. Okay. So that --

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

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

9 A. (Widell) Yes.

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

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

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

20 A. (Widell) Yes.

21 Q. Okay.

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

24 Q. Okay.

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[WITNESS PANEL: Widell~Bunker]

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

4 Q. And that was based on the viewshed mapping?

5 A. (Widell) Yes.

6 Q. All right. And DHR wasn't satisfied with that
7 approach, were they?

8 A. (Widell) That's not accurate. The DHR did not
9 review this assessment form in our report.

10 Q. Okay. So, DHR had bid you or bid the Applicant
11 to go out and do a more thorough analysis of
12 King's Square, didn't they?

13 A. (Widell) The DHR, in consultation -- no, that's
14 not accurate. DHR, in consultation with the
15 Department of Energy, in the Section 106
16 process, determined that King's Square should
17 be one of the properties where an inventory
18 form was completed.

19 Q. Okay. I guess maybe that's the same way of
20 saying -- what I just heard you said sounds
21 like you basically agree with me. Maybe you
22 put more nuance on it. But all I'm saying is
23 DHR, and I guess you're saying with DOE and the
24 consultative process, had the Applicant go back

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1 out and do an inventory form, correct? Isn't
2 that what you just said?

3 A. (Widell) Yes.

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

6 MR. ROTH: Can you put that up?

7 BY MR. ROTH:

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

11 A. (Widell) Yes.

12 Q. And did you work on this inventory form?

13 A. (Widell) Yes.

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

15 MR. ROTH: And I guess what I would
16 ask is we go to 12071 and 12072. If it's
17 possible to put both of those pages up, 71 and
18 72.

19 BY MR. ROTH:

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

24 A. (Widell) Yes.

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1 Q. And I believe there are 39 of them here, and
2 three of which are noncontributing, correct?

3 A. (Widell) I can't see that completely from the
4 materials you've given. Thirty-nine (39)
5 properties entirely, and where it indicates
6 "NC", one, two three, and are not contributing,
7 yes.

8 Q. Okay.

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

10 BY MR. ROTH:

11 Q. And this form here was prepared by another
12 contractor, not the Preservation Company,
13 correct?

14 A. (Widell) Yes. There were actually seven other
15 contractors that completed Inventory Forms and
16 Large Area Forms for the Project Applicant, for
17 Northern Pass.

18 Q. Okay.

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

21 Q. Great. But this one was prepared by a company
22 called "Gray & Pape", did I get that right?

23 A. (Widell) Yes.

24 Q. Okay. And, when Gray & Pape looked at this,

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1 and with your assistance, it found that this
2 was -- had eligibility or was significant under
3 Criterion A for associations with the
4 development of Whitefield, correct?

5 A. (Widell) Yes.

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

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

9 Q. Okay.

10 A. (Widell) Yes.

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

15 A. (Widell) Yes, it is.

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

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

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

24 A. (Widell) Yes.

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1 Q. And, in the National Register Bulletin, it says
2 that, in order to determine a place of
3 significance for its associative values, you'd
4 have to, first, determine the nature and origin
5 of the property; second, identify the historic
6 context with which it is associated; and,
7 third, evaluate the property's history to
8 determine whether it's associated with the
9 historic context in any important way, correct?

10 A. (Widell) Uh-huh. Yes.

11 Q. You're familiar with that approach?

12 A. (Widell) Yes.

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

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

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

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

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1 question?

2 Q. No.

3 A. (Widell) Are you meaning that --

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

8 A. (Widell) When you mean "analysis", did we
9 question the determination of eligibility for
10 King's Square or the Whitefield District?
11 That's correct. We did not question it. It
12 had been determined by DHR.

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

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

23 Q. Okay.

24 A. (Widell) And based on what had been completed

[WITNESS PANEL: Widell~Bunker]

1 during that time period, in 1995.

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

5 A. (Widell) That's correct.

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

10 A. (Widell) That's correct.

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

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

16 Q. Okay. And, so, what you did was you determined
17 "yeah, it's eligible, but it has no visual
18 relationship to the Project", and that was
19 really the end of the analysis for purposes of
20 that particular -- for purposes of the Appendix
21 18, correct?

22 A. (Widell) I believe the statement, if we could
23 look at the table again, I would clarify that
24 for you.

[WITNESS PANEL: Widell~Bunker]

1 MR. ROTH: That's 16321.

2 BY MR. ROTH:

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

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

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

20 A. (Widell) No, absolutely not. We did a thorough
21 review of the significance of these properties,
22 based on the National Register criteria. We
23 looked at integrity of the properties. And
24 then we looked at the ZVI, the zone of visual

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1 influence, the possibility of views, what those
2 views might be related to that. And, if
3 necessary, we moved on to using desktop
4 computer models.

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

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

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

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

23 Q. The table also didn't say anything about the
24 integrity of King's Square, did it, other than

[WITNESS PANEL: Widell~Bunker]

1 the reference to the National Register
2 eligibility?

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

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

15 A. (Widell) Yes.

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

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1 A. (Widell) Yes.

2 Q. And the setting must be intact?

3 A. (Widell) Yes.

4 Q. Okay.

5 A. (Widell) If setting is an important part of the
6 significance of the property, sometimes setting
7 is not.

8 Q. And, instead, the focus in this instance was to
9 screen it out because of visibility of the
10 Project issues, correct?

11 A. (Widell) I'm sorry, could you repeat that
12 question?

13 Q. The focus in this -- for King's Square, in the
14 analysis that was done, at least as evident
15 from the table, was to screen it out because of
16 the visibility of the Project?

17 A. (Widell) No. It was to determine whether the
18 Project was likely to have a visual adverse
19 effect on this historic resource.

20 Q. So, let's look at the criteria or the -- I
21 guess it's a criteria, yes, the criteria of
22 adverse effect in 800.5. So, and we're now
23 looking at Counsel for the Public Exhibit 439,
24 which is 36 CFR 800.5. And you're familiar

[WITNESS PANEL: Widell~Bunker]

1 with this, with this rule, as I recall?

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

3 MR. ROTH: Oh. We've got to go to
4 the next page. There we go. Thank you.

5 BY MR. ROTH:

6 Q. And, so, what 800.5 does is it tells you, in
7 order to make an assessment of adverse effect,
8 you start with these examples, correct? Well,
9 you don't -- I'm sorry.

10 A. (Widell) You don't start with the examples, no.
11 You would start with the definition of an
12 "adverse effect".

13 Q. Okay.

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

15 Q. Thank you. Yes. Thank you. You're correct.
16 And in that, you look at whether the
17 "undertaking may alter, directly or indirectly,
18 any of the characteristics of a historic
19 property that qualify the property for
20 inclusion in the National Register in a manner
21 that would diminish the integrity of the
22 property's location, design, setting,
23 materials, workmanship, feeling, or
24 association." Correct?

[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) Yes.

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

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

11 Q. Okay.

12 A. (Widell) Thank you.

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

16 A. (Widell) Yes.

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

21 A. (Widell) In King's Square, yes. That is a
22 consideration, but not in King's Square, right.

23 Q. Okay.

24 A. (Widell) Yes.

[WITNESS PANEL: Widell~Bunker]

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

6 A. (Widell) Yes.

7 Q. Now, in the table, there's -- the three short
8 sentences that were presented don't seem to
9 actually go through this analysis in any
10 coherent way, do they?

11 A. (Widell) There's not information related to
12 that in the table.

13 Q. Right. And isn't it possible that, if you read
14 this analysis in 800.5, and then look at what's
15 in the table, isn't it possible to conclude
16 that, in fact, the analysis that was done was
17 actually incorrect?

18 A. (Widell) No.

19 Q. Because, instead of asking whether the small
20 views in scattered locations might diminish
21 integrity, you and the Preservation Company
22 determined no visual relationship, no effect,
23 because views were not a character-defining
24 feature, because the buildings face each other.

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[WITNESS PANEL: Widell~Bunker]

1 That's what it says in the table, right? Is
2 that the correct analysis --

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

4 Q. -- under 800.05?

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

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

12 WITNESS WIDELL: Thank you.

13 BY MR. ROTH:

14 Q. So, this is what -- these are the three short
15 sentences in the table, presumably making some
16 analysis -- making a sort of, again, forgive my
17 terminology, a quick-and-dirty effects
18 analysis. And these -- my proposition to you,
19 if you would agree with me, that instead of
20 asking whether "the small views in scattered
21 locations" might diminish integrity, the
22 Preservation Company essentially did instead
23 determine no visual effect and no effect
24 because the views are not a character-defining

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1 feature because the buildings face each other.
2 And I don't see how that, and, you know, tell
3 me if I'm wrong, how is that -- or, that
4 doesn't seem to me to be reflective of the
5 analysis in 800.5?

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

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

19 *[Court reporter interruption.]*

20 **CONTINUED BY THE WITNESS:**

21 A. (Widell) -- the central business district, the
22 character-defining features are not views out
23 beyond the commercial area.

24 BY MR. ROTH:

[WITNESS PANEL: Widell~Bunker]

1 Q. Would you agree with me that in this square, in
2 King's Square, if the view of the historic
3 square and buildings included views of the
4 Project, that would introduce a visual element
5 that could diminish the integrity of the Square
6 by interfering with its ability to visually
7 convey its significance?

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

11 Q. That's correct.

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

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

23 A. (Widell) Once again, if that view affected the
24 setting in a way that it diminished the

[WITNESS PANEL: Widell~Bunker]

1 integrity of the historic resource.

2 Q. Okay. Were mid-19th century town squares and
3 bandstands adorned with 100-foot plus steel
4 towers and high-voltage direct current power
5 lines?

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

7 Q. What about blinking red FAA lights?

8 A. (Widell) No.

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

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

21 Q. Well, you can, you know, if you want to look at
22 it, go ahead, but the question is, I think,
23 fairly straightforward. And this effects table
24 was only done in the last, what, two weeks,

[WITNESS PANEL: Widell~Bunker]

1 three weeks. And the question is is, in the
2 effects analysis that was done, was it
3 essentially conclude -- was the same conclusion
4 reached for the same reasons that was spelled
5 out in the original testimony in 2015?

6 A. (Widell) That's two things. I want to take
7 each part of that question. One is, it was
8 determined not -- no adverse effect on the
9 King's Square District. And what was visible
10 was some spotty view areas to the rear of
11 historic -- some of the historic properties in
12 the parking lots, especially between Elm and
13 Lancaster, and that they were not sufficient to
14 cause any visual effect --

15 Q. Okay.

16 A. (Widell) -- to the King's District. So, in
17 summary, I would agree, yes, it was a similar
18 evaluation, in that the final determination was
19 that, no, the Project would not cause an
20 adverse effect to the King's District --

21 Q. Okay.

22 A. (Widell) -- Historic District -- King's Square
23 Historic District, excuse me.

24 Q. I'm now going to turn to Weeks State Park and

[WITNESS PANEL: Widell~Bunker]

1 the Weeks' Estate. And I just want to clarify
2 that the Applicants' Exhibit 118 is the same
3 document as the assessment that was included in
4 Applicants' Exhibit 1, Appendix 18, at Page
5 16664. Are you familiar with both of these
6 documents?

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

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

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

14 MR. ROTH: 118, Applicants' Exhibit
15 118.

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

18 **BY THE WITNESS:**

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

22 BY MR. ROTH:

23 Q. Well, my question is, and whether it's for you
24 or for the lawyers, is Exhibit 118 the same as

[WITNESS PANEL: Widell~Bunker]

1 what's in Appendix 18?

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

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

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

9 MR. ROTH: Okay.

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

12 MR. ROTH: All right.

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

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

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

20 MR. ROTH: It's a question of clarity
21 for the record. And I just wanted to make
22 sure, and I think that, really, counsel should
23 be answering this question, because they
24 prepared the exhibits. And I don't know why

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1 118 was a separately prepared exhibit, when it
2 appears to me that it's just a copy of what's
3 in Appendix 1 -- or, Appendix 18.

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

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

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

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

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

[WITNESS PANEL: Widell~Bunker]

1 MR. WALKER: All right.

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

4 CHAIRMAN HONIGBERG: You won. Got
5 it.

6 MR. ROTH: Thank you.

7 BY MR. ROTH:

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

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

16 Q. So, I guess -- so, what I'm looking at here is
17 it says "The historic buildings are
18 1.25 miles", but the "420-acre state park...
19 comes within roughly 0.85 miles of the line".

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

22 Q. Thank you.

23 A. (Widell) Thank you.

24 Q. And it also says in here, your analysis, was

[WITNESS PANEL: Widell~Bunker]

1 that the East Overlook is directly in view of
2 the Project, correct?

3 A. (Widell) Yes.

4 Q. And we all saw that when we went up there a
5 couple of weeks ago. And the Project will be
6 visible from the tower at Weeks State Park,
7 correct?

8 A. (Widell) The observation tower, yes.

9 Q. Okay. And this write-up, this analysis that
10 you did, says that it's "one of the
11 best-preserved grand summer homes in the
12 state", correct?

13 A. (Widell) Yes.

14 Q. And that "the lodge", that is the Weeks'
15 residence up there, I think that's what we're
16 talking about, "is a good example of Arts and
17 Crafts style", and that the "tower is an
18 unusual feature", correct?

19 A. (Widell) Yes.

20 Q. And that this property, and maybe I'm -- I
21 don't want to put words in your mouth on this,
22 or maybe I do, "exemplifies land conservation
23 efforts at the turn-of-the 20th century", and
24 that's its significance, is that fair to say?

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[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) It's one of its significance, but we
2 looked at significance as well, not only for
3 the individual National Register property, but
4 also the state park.

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

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

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

16 A. (Widell) Yes.

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

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

23 Q. Understood. So, I have not introduced this as
24 an exhibit, and I don't know whether the

[WITNESS PANEL: Widell~Bunker]

1 Applicants have done so. But I'm looking at
2 the Great North Woods Project Area Form. And,
3 on Page 26 of that form, and we can make this
4 an exhibit, you know, following the hearing, it
5 makes reference to how the Appalachian Mountain
6 Club and SPNHF worked with Mr. Weeks,
7 Congressman Weeks, to establish the White
8 Mountain National Forest, correct?

9 A. (Widell) Yes.

10 Q. And is this place, the state park and the Weeks
11 Estate, part of one of the cultural landscapes
12 that was not done initially, but is presently
13 being worked on?

14 A. (Widell) Let me answer that question in two
15 ways. One is, we considered it in the --
16 meaning Preservation Company and myself, at the
17 time that we prepared the Assessment Form that
18 you are showing on the screen. We considered
19 it a cultural landscape, and included it as
20 such in our Assessment Form, because the state
21 park itself would be considered a designed
22 cultural landscape. And, so, we looked at it
23 as a cultural landscape.

24 The second part of your question is, yes,

[WITNESS PANEL: Widell~Bunker]

1 it was also one of the areas that was included
2 as a study for cultural landscape, and has been
3 identified as the Mount Prospect/Martin Meadow
4 cultural landscape.

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

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

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

24 A. (Widell) Well, on the first page, in the third

[WITNESS PANEL: Widell~Bunker]

1 paragraph, it states "a designed landscape",
2 and that's -- it is a designed cultural
3 landscape. The fact that we left off
4 "cultural" I believe is not significant.

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

8 A. (Widell) I do not.

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

12 A. (Widell) Yes, it is.

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

17 A. (Widell) Yes.

18 Q. And going back again to the National Register
19 Bulletin, number 15, I cannot find significance
20 of -- in the Areas of Conservation and
21 Recreation. And what I find are, you've got
22 these four criterion: "Events", "Person",
23 "Design/Construction", or "Information
24 Potential", correct? Those are the four

[WITNESS PANEL: Widell~Bunker]

1 criterion?

2 A. (Widell) Yes.

3 Q. And none of those appears to be "Conservation
4 and Recreation", does it?

5 A. (Widell) I disagree. Criterion A would include
6 "conservation and recreation", especially in
7 the State of New Hampshire. The Division of
8 Historic Resources has specifically identified
9 "conservation and recreation" in their context
10 statements as significant areas in which
11 cultural and historic resources may be found in
12 the state. And that would fall under Criterion
13 A.

14 MR. ROTH: And can you go to 59875?
15 59875.

16 BY MR. ROTH:

17 Q. So, this is, in the Assessment Form, this is
18 the entirety of the discussion of significance
19 that I'm aware of, I believe. And, so, what
20 I'm asking you is where does this mention
21 "Criterion A" or "B" or "C" or "D"?

22 A. (Widell) It does not mention it by "Criterion
23 A", but the statement that --

24 Q. So, "it doesn't" is the answer?

[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) It was listed for significance in the
2 areas of architecture and conservation is what
3 you are looking for. And, in the profession of
4 the identification and preservation of cultural
5 resources, that is how we would state it in
6 form that is describing its significance. You
7 would not just say "A". Sometimes you might
8 say "A", and then include whatever. But --

9 Q. But this is --

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

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

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

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

23 A. (Widell) No, I disagree with your assessment.
24 These forms would be reviewed by the Division

[WITNESS PANEL: Widell~Bunker]

1 of Historic Resources, who would be familiar
2 with where these areas of significance would
3 fall, in A, B, C, or D.

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

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

20 Q. But -- well, I think what you were tasked to do
21 in front of the Site Evaluation Committee, in
22 October of 2015, was to present an assessment
23 of and identify all of the resources that were
24 affected. What you did was you presented these

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1 assessment forms in Appendix 18, as I recall
2 the record, and, you know, DHR said, you know,
3 "that's not going to work", and sent you back
4 out to do it again.

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

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

17 Q. Okay.

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

21 Q. Without mentioning any of those words in it.
22 That paragraph does not mention any of those
23 words. You checked boxes, but you didn't do
24 any analysis.

[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) I would give you an example, which
2 would be "materials". "The one change made
3 during Weeks family ownership was the addition
4 of a second floor porch on the west elevation."
5 That would be a change in materials and also in
6 design. So, they are directly related to those
7 checked boxes.

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

11 A. (Widell) Yes.

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

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

20 Q. Okay. That's correct.

21 A. (Widell) I did a total evaluation for the
22 entire Project, because the criteria, in my
23 professional opinion, point to all of the
24 properties and all of the significance and all

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1 of the effects, which does not indicate to me a
2 property-by-property evaluation.

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

5 Now, in the analysis of effects, isn't it
6 true that your minimization of views of the
7 Project is based on forest cover of the
8 location?

9 A. (Widell) No.

10 Q. And what else is there? Distance?

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

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

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

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

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

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1 Q. Okay. Do you think that, if they did that, and
2 this is, you know, a hypothetical, there would
3 be more views from the yard and the house?

4 A. (Widell) I do not know.

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

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

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

10 A. (Widell) The Weeks State --

11 CHAIRMAN HONIGBERG: Ms. Widell.

12 WITNESS WIDELL: Okay.

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

17 WITNESS WIDELL: Thank you.

18 BY MR. ROTH:

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

24 A. (Widell) I would have to look at the -- I

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1 believe it is substantially visible from the
2 eastern, but let me see.

3 Q. Well, look at the form.

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

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

9 Q. Yes.

10 A. (Widell) Thank you.

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

14 A. (Widell) Yes.

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

18 A. (Widell) I disagree.

19 Q. Okay. All right. Now, we're going to move to
20 the August 25th letter. On August 25th, 2017,
21 the Division of Historic Resources, and I
22 believe it was Deputy State Historic
23 Preservation Officer, Richard Boisvert,
24 provided a letter to the Site Evaluation

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1 Committee, approximately 11 pages long. We
2 have introduced this as "Counsel for the Public
3 Exhibit 443".

4 And, now, this was just a few days ago.
5 But I assume, given these circumstances, you
6 have seen this letter?

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

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

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

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

18 A. (Widell) Yes.

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

24 A. (Widell) No. I did not see that.

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1 Q. Okay. Would you agree -- do you agree with him
2 that there remains to be identification work to
3 be done?

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

7 Q. Okay.

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

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

16 A. (Widell) That is correct.

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

23 A. (Widell) Yes.

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

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1 the letter. And, on Pages 2 and 3 of the
2 letter, Mr. Boisvert mentions "cultural
3 landscapes", correct?

4 A. (Widell) Yes.

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

9 A. (Widell) No.

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

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

14 Q. Okay.

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

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

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

20 Q. Individual properties?

21 A. (Widell) That were identified, yes.

22 Q. All right. But not a cultural landscape?

23 A. (Widell) No.

24 Q. Okay.

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

4 Q. And then -- and this is since August 25th?

5 A. (Widell) No. Previous to August 25th.

6 Q. And moving down here, "Franklin Falls Dam -
7 Hill Village Cultural Landscape", was that
8 addressed in your original report?

9 A. (Widell) We certainly did a survey form on
10 Franklin Falls Dam and Hill Village, and a
11 number of other historic properties. It was
12 not as a cultural landscape.

13 Q. Not a cultural landscape, okay. And "Route 3 -
14 Franconia Notch Cultural Landscape", was that
15 mentioned in your original work?

16 A. (Widell) No.

17 Q. And the "Ham Branch Cultural Landscape", was
18 that mentioned in your original work?

19 A. (Widell) No.

20 Q. And the "Gale River Cultural Landscape", was
21 that mentioned in your original work?

22 A. (Widell) No. I would note that they are all in
23 the underground section, and so not subject to
24 visual effects.

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1 Q. But they are subject to direct effects, as we
2 established last time, correct?

3 A. (Widell) Yes.

4 Q. Okay. And, the Great North Woods Cultural
5 Landscape Study Area, we have "Mount Prospect".
6 Was that one in your original report?

7 A. (Widell) Substantively, most of those
8 properties had been identified, yes.

9 Q. On a property-by-property basis?

10 A. (Widell) Correct. Yes.

11 Q. But not as a cultural landscape?

12 A. (Widell) Well, as I indicated to you
13 previously, we included Weeks State Park as a
14 designed cultural landscape, yes.

15 Q. Yes. That's your opinion and your argument.
16 And then "North Road", you did mention as a
17 historic district, but it was not treated as a
18 cultural landscape in your initial analysis,
19 correct?

20 A. (Widell) No, that is not correct. We
21 specifically talked about it as a vernacular
22 cultural landscape and large area rural
23 historic district.

24 Q. Okay. And the Upper Ammonoosuc, the "Harvey

[WITNESS PANEL: Widell~Bunker]

1 Swell Cultural Landscape", this was not
2 mentioned in your original report?

3 A. (Widell) That is accurate.

4 Q. Okay.

5 A. (Widell) Yes. We did not.

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

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

12 Q. You're grading on whether --

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

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

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

22 Q. That's not what I'm asking about. I'm asking
23 about whether, at the time the Preservation
24 Company's and your testimony in October of

[WITNESS PANEL: Widell~Bunker]

1 2015, I think we just went through, you know,
2 if I give you credit for Weeks State Park,
3 you've got nine other ones or so that you
4 didn't even mention. So, that's not a terribly
5 good score, is it?

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

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

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

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

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1 correct, in your original report?

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

5 Q. And "Groveton" --

6 *[Court reporter interruption.]*

7 BY MR. ROTH:

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

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

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

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

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

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

24 Q. Okay. So, you have two out of five on the

[WITNESS PANEL: Widell~Bunker]

1 village centers?

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

6 Q. Okay. And then we have agricultural districts,
7 "47 Candia Road", it's mentioned in your
8 database, but there's no form for it, correct?

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

10 Q. Okay.

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

15 Q. Right. But that's not what we're talking about
16 today. We're talking today about your
17 testimony that was submitted to the Site
18 Evaluation Committee on October 2015, and your
19 supplemental testimony. That's what we're
20 asking about. I know that you and the
21 Preservation Company have since, and in some --
22 in many cases very recently, augmented these
23 things for the 106 process. But, in terms of
24 your original report and your original

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1 testimony, these things weren't there. And I'm
2 not going to belabor it with the many
3 historical -- or, the many agricultural
4 locations.

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

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

16 Q. Correct. And you made that point before.

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

23 Q. Right. And do you --

24 A. (Widell) And then the third part is to move to

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1 avoidance, mitigation, minimization.

2 Q. Okay.

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

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

14 A. (Widell) Yes.

15 Q. Okay.

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

19 Q. Okay.

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

22 Q. Do you think that all that work that you just
23 analyzed very carefully, do you think that will
24 be done by the end of this year?

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1 A. (Widell) No.

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

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

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

14 A. (Widell) Yes. I am still at six. I am even
15 more convinced than ever that my initial
16 testimony and supplemental testimony is
17 accurate in its evaluation that this Project
18 will not cause an unreasonable adverse effect.
19 And the reason is, because not only was the
20 original assessment very thorough in its
21 evaluation of historic properties, but the
22 completion of additional inventory forms by
23 other professionals, looking at almost the
24 identical resources, the thorough evaluation of

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1 the Division of Historic Resources, in looking
2 at that material, and confirming that we have
3 identified the historic properties, as well as
4 the product information --

5 Q. Ms. Widell, --

6 A. (Widell) -- that the Department of Energy has
7 provided.

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

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

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

17 CHAIRMAN HONIGBERG: You may proceed,
18 Mr. Roth.

19 MR. ROTH: Thank you. I recently
20 accepted a position with the Department of
21 Revenue Administration to be Revenue Counsel.
22 And I'll be leaving my -- resigning my
23 appointment as an Assistant Attorney General
24 effective September 21st.

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1 The Attorney General has asked
2 Christopher Aslin, who is seated over here at
3 counsel's table, to serve as Counsel for the
4 Public for the remainder of the case. And I
5 have every confidence that he will do so
6 capably and thoroughly, with the same values
7 and objectivity that I have brought to this
8 case in the last, roughly, two years. And I
9 have great confidence that he will do that.
10 And I hope you all will look forward to that.

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

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

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

23 Thank you.

24 CHAIRMAN HONIGBERG: All right.

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1 Thank you, Mr. Roth. With that, we will take a
2 break, and resume in ten minutes.

3 *(Recess taken at 10:08 a.m.*
4 *and the hearing resumed at*
5 *10:25 a.m.)*

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

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

11 WITNESS WIDELL: Good morning.

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

19 BY MS. BOEPPLE:

20 Q. Ms. Widell, in your prefiled testimony dated
21 October 16th, 2015, on Page 1, and we will show
22 you that page, you described your background
23 and qualifications. You've also attached your
24 CV as an "Attachment A". And I'd like to draw

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1 your attention to these parts of your prefiled
2 testimony for the first set of questions, and
3 ask you to address some of these questions.

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

8 A. (Widell) From Hood College, yes.

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

11 A. (Widell) Yes.

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

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

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

20 A. (Widell) Yes.

21 Q. That's correct?

22 A. (Widell) Yes.

23 Q. Okay. So, you must be familiar with that
24 section of the Federal Code, correct?

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1 A. (Widell) Yes, I am.

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

3 A. (Widell) Uh-huh.

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

11 A. (Widell) Yes.

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

15 A. (Widell) Yes.

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

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1 describe another minimum qualifications?

2 A. (Widell) Yes.

3 Q. Is that correct?

4 A. (Widell) Yes.

5 Q. Okay. Does that strike you as a very high bar?

6 In terms of professional qualifications to

7 become an expert, an historic expert?

8 A. (Widell) Not necessarily.

9 Q. Okay. It's also correct that you have
10 qualifications as an architectural historian?

11 A. (Widell) Yes.

12 Q. Okay. And, under the Code, that means you have
13 to have "a minimum of a graduate degree in
14 architectural history, art history, historic
15 preservation or closely related field, with
16 course work in American architectural history;
17 or a Bachelor's degree in architectural
18 history, art history, art preservation or
19 closely related field." Which one -- which of
20 these are you citing for your educational
21 qualification?

22 A. (Widell) Under that list, I would say American
23 architectural history. But it was a broad
24 history major.

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1 Q. So, you may not actually have one of those
2 specific qualifications?

3 A. (Widell) Not precisely, no.

4 Q. Okay. Thank you. And, then, in addition to
5 that educational qualification, in order to
6 claim that you are a qualified architectural
7 historian under the Secretary of the Interior's
8 standards, you also have to have at least two
9 years of full-time experience, correct?

10 A. (Widell) Yes.

11 Q. In the various areas, whether it's research,
12 writing, teaching, is that correct?

13 A. (Widell) Yes.

14 Q. Okay. And we already know that a year can --
15 of that experience could take place over a
16 period of several years, correct?

17 A. (Widell) Yes.

18 Q. Okay. And, again, that's not a terribly high
19 bar, is that correct?

20 A. (Widell) Yes.

21 Q. Okay. Your CV indicates that you were a Senior
22 Fulbright Scholar to Japan?

23 A. (Widell) Yes.

24 Q. In historic preservation?

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1 A. (Widell) Yes.

2 Q. And am I correct that, while you were doing
3 that, you were working on recognition and
4 preservation of Frank Lloyd Wright's buildings
5 in Japan?

6 A. (Widell) The preservation of Jiyu Gakuen, yes.

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

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

10 Q. That wasn't my question.

11 A. (Widell) Oh. Okay. Sorry.

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

14 A. (Widell) No. That's not exactly correct. As
15 you see, I was a Senior Fulbright Scholar. I
16 did not go as a student. Certainly, you're a
17 student if you're living in a foreign country.
18 I went to work, and actually did teach some
19 classes in the Tokyo National University of
20 Fine Arts & Music, which is where the
21 architects who study about historic
22 preservation go. And, so, I was more of a
23 resource to the professors there, and also the
24 Ministry of Cultural, which actually designates

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1 and protects historic properties. So, I was
2 not a student. I went as a professional in the
3 field of historic preservation to share my
4 knowledge about the American program.

5 Q. And you were educating them on historic
6 preservation?

7 A. (Widell) Yes.

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

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

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

14 A. (Widell) Yes.

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

17 BY MS. BOEPPLE:

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

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

[WITNESS PANEL: Widell~Bunker]

1 did with the Imperial Hotel at this place.

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

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

7 A. (Widell) It is.

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

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

17 Q. This one?

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

19 Q. Okay.

20 *[Court reporter interruption.]*

21 **CONTINUED BY THE WITNESS:**

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

24 BY MS. BOEPPLE:

[WITNESS PANEL: Widell~Bunker]

1 Q. And what is this structure?

2 A. (Widell) I believe this is Hollyhock House, in
3 California.

4 Q. Okay. So, let's move on and talk a little bit
5 about your experience in California. So, you
6 were the State Historic Preservation Officer
7 there between the years of 1994 and 1998?

8 A. (Widell) Yes.

9 Q. Is that correct?

10 A. (Widell) Uh-huh.

11 Q. Okay. Is that an appointment by the governor?

12 A. (Widell) Yes. All State Historic Preservation
13 Officers are appointed by their governors by
14 federal law.

15 Q. Okay. So, to some extent, politics play a role
16 in that appointment, is that correct?

17 A. (Widell) Yes.

18 Q. Okay. You state on Page 1 of your prefiled
19 testimony that, in your role as California
20 State Historic Preservation Officer, you had
21 "oversight for all aspects of historic resource
22 protection throughout California". Is that
23 correct?

24 A. (Widell) Yes.

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1 Q. Okay. Then, you also, in your CV, described
2 projects that you worked on while as the SHPO,
3 which were all in California, and presumably
4 particular to the types of architecture and
5 cultural landscape that are found in
6 California. Would that be correct?

7 A. (Widell) Yes.

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

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

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

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

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

20 A. (Widell) Yes, or Mexico.

21 Q. And you said "or Mexico"?

22 A. (Widell) Uh-huh.

23 Q. So, is it -- would it be fair to say that a lot
24 of -- some of California's architecture is

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1 influenced by Mexico?

2 A. (Widell) Definitely.

3 Q. And what about this?

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

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

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

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

16 A. (Widell) No. Not necessarily. I was involved
17 in creating a mission heritage trail between,
18 what, Baja, California, which means "lower
19 California", and us, to connect them, so people
20 would better understand the connection between
21 the two countries and how similar they are.

22 But, no. Most of my work did not involve
23 missions.

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

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1 correct?

2 A. (Widell) Yes.

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

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

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

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

22 A. (Widell) Yes, it is.

23 Q. -- architecture you would see there?

24 A. (Widell) Yes.

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1 Q. In the Presidio?

2 A. (Widell) Uh-huh.

3 Q. And what about this?

4 A. (Widell) Yes.

5 Q. And are these architectural styles that we
6 would see in New England?

7 A. (Widell) I don't think you have any Mission
8 Revival, but there may be some. There may be
9 some. It was a popular style in the '20s. We
10 did not identify any within the Area of
11 Potential Effect for the Northern Pass Project
12 that I can recall.

13 Q. Well, would it be accurate to say that, if you
14 saw an example of this type of architecture in
15 New England, it would be rather unusual?

16 A. (Widell) Maybe.

17 Q. And what about this one?

18 A. (Widell) It's the same property.

19 Q. So, this is also in the Presidio, correct?

20 A. (Widell) Yes. This is the Officers' Quarters.
21 I mean, "Officers Club", excuse me.

22 Q. And, so, was the -- the Presidio was originally
23 a Spanish fort, is that correct?

24 A. (Widell) Yes. It's actually our oldest one,

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1 established in 1776, before the country even
2 was created. This is a theater. And I would
3 point out to you, and this is not unusual --
4 this is typical of the Presidio, but every
5 military installation, there are standard
6 building designs that are used all over the
7 United States at military installations. They
8 were created in the late 19th/early 20th
9 century. And they did include some special
10 provisions to make them more like the regional
11 architecture. So, you would see this same
12 building in Delaware. I don't know, there may
13 be one in a military installation in New
14 England. It wouldn't have little tiles like
15 that to make it look like a Mission Revival
16 structure, but it would be basically the same
17 structure. The Army was pretty smart at just
18 doing the same thing everywhere.

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

23 A. (Widell) Yes. Uh-huh.

24 Q. And, so, the roofing tiles, for example, on

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1 this, isn't that part of what contributes and
2 makes it look like the Mission style?

3 A. (Widell) Yes. Uh-huh.

4 Q. Okay. So, even if it's built in Delaware, or
5 New Hampshire, for example, it's not going to
6 look like this, is it?

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

8 Q. Okay.

9 A. (Widell) Yes. That's what I was trying to --
10 they kind of regionalize it to make everyone
11 feel comfortable in the region where they were.

12 Q. Okay. So, is that considered a Spanish
13 influence or Mexican or Spanish style?

14 A. (Widell) We call it "Mission Revival".

15 Q. Okay. But doesn't that come from a cultural
16 basis? Isn't there a cultural basis to Mission
17 style?

18 A. (Widell) For the region, yes. Uh-huh.

19 Q. Now, based on the information in your CV, you
20 worked exclusively in California between the
21 years of 1994 and 2003, is that correct?

22 A. (Widell) Yes.

23 Q. So, for a period of approximately ten years?

24 A. (Widell) Uh-huh.

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1 Q. And, before you were working in California,
2 aside from the Frank Lloyd Wright project and
3 your time in Japan, I understand it wasn't
4 strictly on Frank Lloyd Wright, your work in
5 the field was primarily in Maryland and New
6 Jersey, is that correct?

7 A. (Widell) Yes.

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

12 A. (Widell) Yes.

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

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

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

21 A. (Widell) I did not do fieldwork, no. I
22 certainly reviewed inventory forms in special
23 cases. But I did not personally do fieldwork
24 in California.

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1 Q. And what about fieldwork in New England?

2 A. (Widell) I have not done fieldwork in New
3 England until this time, until participating in
4 the Northern Pass Project.

5 Q. And have you done any other assessment projects
6 in New England?

7 A. (Widell) I have not done any assessment
8 projects in New England.

9 Q. Okay. From 2005 to 2008, you were based in
10 Washington, DC, it looks like from your CV?

11 A. (Widell) Yes.

12 Q. As a Federal Market Leader?

13 A. (Widell) Uh-huh.

14 Q. And what does that mean?

15 A. (Widell) I was working with HNTB on projects,
16 and, specifically during that time, I -- they
17 had a contract with FEMA. And, painfully,
18 given what's going on with Houston right now,
19 we're all realizing that, I think today is the
20 ten-year anniversary of Katrina. And, so, I
21 was sent to Mississippi, and was involved in
22 the identification of historic resources that
23 were damaged by Hurricane Katrina, and then
24 assisted with completing a Section 106 review

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1 for getting federal money to local communities
2 and individuals to protect those historic
3 resources following that very devastating
4 event. So, I did fieldwork in Mississippi
5 during that time period.

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

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

10 Q. Okay.

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

15 Q. Yes.

16 A. (Widell) Yes.

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

19 A. (Widell) Yes.

20 Q. What is this we're looking at?

21 A. (Widell) This is Jeff Davis's retirement home,
22 basically. And I got to tell you, I'm not
23 remembering the name of it, but it is a
24 national historic landmark. It did survive

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1 Hurricane Katrina amazingly, I think because of
2 the way it was constructed and it was elevated.
3 The brand new museum next door to it, that was
4 supposed to be able to withstand, you know, 100
5 mile an hour winds, fell apart, and many, many
6 of the materials that were in that museum were
7 lost.

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

11 A. (Widell) "Beauvoir".

12 Q. Okay. Beauvoir.

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

15 Q. And another image of that?

16 A. (Widell) Yes.

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

19 A. (Widell) Yes.

20 Q. Gulfport, Mississippi?

21 A. (Widell) Yes. Yes. A very important
22 African-American historic district, that
23 survived because it was on the opposite side of
24 what I think was Route 90 and the railroad

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[WITNESS PANEL: Widell~Bunker]

1 berm. And it was a place where
2 African-Americans worked on obtaining
3 turpentine, I think from trees primarily. It
4 was modest. It had a number of those bungalows
5 we were talking about, as I remember, you may
6 have photographs. But, yes.

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

9 A. (Widell) Uh-huh.

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

12 A. (Widell) "Pass Christian".

13 Q. Yes, Pass Christian. Sorry.

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

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

24 A. (Widell) Yes, of course. And, because, once

[WITNESS PANEL: Widell~Bunker]

1 again, the regional style considerations are
2 always brought into architecture to respond to
3 the climate and materials and --

4 Q. So, you probably didn't see any of these kinds
5 of architectural styles here in New Hampshire?

6 A. (Widell) No.

7 Q. Okay.

8 A. (Widell) Not in the Area of Potential Effect.

9 Q. So, from 2008, let's move, from 2008 to the
10 present time, your CV lists you as President of
11 Seraph, LLC?

12 A. (Widell) Uh-huh.

13 Q. Widell Preservation Services?

14 A. (Widell) Uh-huh.

15 Q. Is that correct?

16 A. (Widell) Yes.

17 Q. Okay. And is that the Company you formed?

18 A. (Widell) Yes.

19 Q. Okay. And, in that capacity, you hire yourself
20 out as an historic preservation consultant?

21 A. (Widell) Yes.

22 Q. So, in your work as a private historic
23 preservation consultant, have you ever assessed
24 a utility project impact on historic resources?

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[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) Not as a private, no. No.

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

6 A. (Widell) No.

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

12 A. (Widell) Yes.

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

15 A. (Widell) Yes.

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

18 A. (Widell) At this time.

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

21 A. (Widell) No. I have taught classes at the
22 University of Vermont in their Masters Program
23 for Historic Preservation as just a visiting
24 professor.

[WITNESS PANEL: Widell~Bunker]

1 Q. Right. But my question earlier was whether you
2 had done any assessment of historic
3 properties --

4 A. (Widell) No, I have not. Correct.

5 Q. -- fieldwork?

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

7 Q. You haven't done any of that in New England?

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

9 Q. Okay. So, all of your work, all the extent of
10 your work has been for this one client,
11 correct?

12 A. (Widell) Yes.

13 Q. Okay.

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

18 WITNESS WIDELL: Thank you.

19 MS. BOEPPLE: Sorry.

20 BY MS. BOEPPLE:

21 Q. On Page 5, Lines through 3 through 12 of your
22 supplemental testimony, you opine that the Site
23 Evaluation -- Site 102.10, definition of the
24 "Area of Potential Effect" is broader for

[WITNESS PANEL: Widell~Bunker]

1 aesthetic impact review than for historic site
2 impact review, is that correct?

3 A. (Widell) Yes.

4 Q. So, based on this definition, your opinion
5 seems to be that impacts to historic sites
6 should only be assessed if they're within one
7 mile and not within 10 miles of an APE, is that
8 correct?

9 A. (Widell) Yes.

10 Q. Isn't it possible that aesthetic impacts may
11 also include impacts to historic sites, as
12 they're more broadly defined under the SEC
13 rules, rather than the narrower view?

14 A. (Widell) No.

15 Q. It's not possible?

16 A. (Widell) No.

17 Q. Okay. In your prefiled testimony, you also
18 discuss the Section 106 process, is that
19 correct?

20 A. (Widell) Yes.

21 Q. And, under the Section 106 process, there
22 are -- there's a definition of reaching an
23 adverse effect, correct? Isn't that what you
24 just discussed with Mr. Roth this morning?

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[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) Yes. I'm not sure that's in this part
2 of my testimony. Are you referring to --

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

4 A. (Widell) Yes. Yes. Okay. Thank you.

5 Q. Okay. Are you familiar with the SEC rules
6 301.14, regarding criteria relative to findings
7 of unreasonable adverse effects?

8 A. (Widell) Yes. I am familiar.

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

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

15 Q. Correct.

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

19 Q. Correct.

20 A. (Widell) They are different, yes.

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

23 A. (Widell) The federal definition of an "adverse
24 effect", for determining adverse effect to

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[WITNESS PANEL: Widell~Bunker]

1 historic sites. Yes. That's exactly what we
2 used, yes.

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

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

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

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

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

15 A. (Widell) -- all the historic sites, the number
16 and significance of any adversely historic
17 sites, the extent, nature, and duration on
18 them. So, that's a very different thing than
19 an adverse effect, where you are looking at
20 defining in Section 106, and they are separate
21 processes for sure, but complementary, in the
22 case of the proceedings for SEC. It diminishes
23 the integrity of a property, basically, and an
24 undertaking would cause it to diminish the

[WITNESS PANEL: Widell~Bunker]

1 things that make it -- character-defining
2 features that make it eligible for a National
3 Register, as there's a definition of "adverse
4 effect" under Section 106. That's very
5 different than looking at all of the sites, all
6 of the --

7 Q. We agree that there are two different
8 definitions?

9 A. (Widell) Uh-huh.

10 Q. Okay. And your testimony was that you used the
11 Section 106 analysis, correct?

12 A. (Widell) Definition, yes.

13 Q. Okay.

14 A. (Widell) For determining adverse effect.

15 Q. Thank you.

16 A. (Widell) Yes.

17 Q. Thank you. Let's move on to Page 6, Lines 3
18 through 5 of your supplemental testimony. You
19 state that 12,904 resources, as identified in
20 the Heritage Properties report, is an
21 extraordinary number of properties "to suggest
22 for review under Section 106 and the SEC
23 rules". Is that your testimony?

24 A. (Widell) Yes.

[WITNESS PANEL: Widell~Bunker]

1 Q. But haven't you just testified that your sole
2 experience in New England, as an historic
3 preservation consultant, has been for this one
4 client, on this Project and on the Seacoast
5 Reliability Project, correct?

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

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

9 A. (Widell) Okay.

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

15 A. (Widell) Yes.

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

20 A. (Widell) My --

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

23 MS. BOEPPLE: Okay. My -- sorry.

24 BY MS. BOEPPLE:

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[WITNESS PANEL: Widell~Bunker]

1 Q. My question is, you've made a statement about
2 another expert's finding that there were that
3 many resources, and you've said that's "an
4 extraordinary number" correct?

5 A. (Widell) Yes.

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

10 A. (Widell) Yes.

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

15 A. (Widell) Primarily, because of my decades of
16 professional experience in the field of
17 historic preservation nationwide, not just
18 related to New England. There is a process
19 which we are reviewing over and over again in
20 this hearing whereby you identify properties
21 that are 50 years old or older, you determine
22 their significance, then you determine
23 integrity, then you apply the definition of an
24 adverse effect to those historic properties.

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[WITNESS PANEL: Widell~Bunker]

1 It is not crazy science. It has been done
2 repeatedly over and over and over again,
3 beginning in the 1960s. It is the established
4 way that my field determines what is
5 significant and needs to be cared for through
6 projects like this, how you determine the
7 effects, --

8 Q. Ms. Widell.

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

12 Q. I understand the process. You've explained the
13 process.

14 A. (Widell) Okay.

15 Q. I understand that.

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

19 MS. BOEPPLE: No.

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

22 CHAIRMAN HONIGBERG: I sensed you
23 were done, Ms. Widell. Did you have more you
24 wanted to say?

[WITNESS PANEL: Widell~Bunker]

1 WITNESS WIDELL: It's okay. Thank
2 you.

3 BY MS. BOEPPLE:

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

9 A. (Widell) In New England, yes. Yes.

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

16 A. (Widell) Yes.

17 Q. Is that correct?

18 A. (Widell) Yes.

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

22 A. (Widell) Yes.

23 Q. Okay. And, in your testimony during Mr. Roth's
24 questioning, you stated that the corridor --

[WITNESS PANEL: Widell~Bunker]

1 your testimony earlier in this proceeding, and
2 if I'm missummarizing this, please correct me,
3 but I believe you stated that "because it was
4 an existing corridor, that that somehow
5 minimized the potential impacts on historic
6 resources that were identified." Is that a
7 fair statement? And I don't mean to put words
8 in your mouth.

9 A. (Widell) The existence of the corridor
10 generally, because it has been there at least
11 60, in many, many places 90 years, and the way
12 it was constructed, which was on bottomland,
13 lower areas, definitely prevented a lot of
14 visual effects on historic properties. But
15 that doesn't mean that there are none.

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

20 A. (Widell) Yes. And that's exactly what we
21 reviewed over and over again in our assessment
22 forms and in the effects tables that have been
23 submitted to DHR. Those are exactly the types
24 of things that we looked at.

[WITNESS PANEL: Widell~Bunker]

1 Q. Am I correct that you now live in Chestertown,
2 Maryland?

3 A. (Widell) Yes.

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

7 A. (Widell) Yes.

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

13 A. (Widell) Yes.

14 Q. I'd like to show you what's been marked as SPNF
15 219 exhibit. And I'm going to ask you to
16 review what you said about a cell tower that
17 was proposed for a location in your --

18 A. (Widell) Uh-huh.

19 Q. Let me just finish the question. In your
20 hometown of Chestertown, Maryland, and the
21 potential impact on the historic district. And
22 the article identifies Barbara Pivec as the
23 representative of the communications company,
24 Verizon, and she holds herself out as "a

[WITNESS PANEL: Widell~Bunker]

1 consultant in specializing in finding
2 appropriate tower sites for communication
3 companies". Is that correct?

4 A. (Widell) Yes.

5 Q. Okay. And, then, is the article also correct
6 in identifying Paula Ruckelshaus as a
7 spokesperson for the Still Pond Neighborhood
8 Association, and that you were there to provide
9 technical and legal commentary?

10 A. (Widell) Yes, as a volunteer.

11 Q. Okay. But you did that as a volunteer, but you
12 are using your professional qualifications to
13 provide your opinion, is that correct?

14 A. (Widell) Yes.

15 Q. Okay. So, you were providing a professional
16 assessment on behalf of Still Pond Neighborhood
17 Association, albeit as a volunteer, correct?

18 A. (Widell) Yes.

19 Q. And was this in connection with a review by the
20 Kent County Historic Preservation Commission?

21 A. (Widell) Yes, it was.

22 Q. Okay. And did this occur at a special meeting
23 on or about September 9th, 2009?

24 A. (Widell) Yes. Uh-huh.

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[WITNESS PANEL: Widell~Bunker]

1 Q. I'm directing you to the section of the article
2 which focused on your summation of the Federal
3 Code and assessment of the impact of the
4 wireless tower, and ask if this is an accurate
5 summation of the testimony: "Ruckelshaus said
6 that, according to criteria established in the
7 code of federal regulations, the tower would
8 have an adverse effect on the Still Pond
9 Historic District. Widell said the applicable
10 law is 36 CFR 800.5, which covers the effects
11 of development on historic properties, and
12 which governs Verizon's application for FCC
13 approval for the tower."

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

22 Is that an accurate summation of what you
23 stated?

24 A. (Widell) Yes, it is.

[WITNESS PANEL: Widell~Bunker]

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

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

13 A. (Widell) Yes.

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

21 Is that also accurate?

22 A. (Widell) Yes.

23 Q. According to the article, you then said "that
24 nothing in the regulation defines an acceptable

[WITNESS PANEL: Widell~Bunker]

1 percentage of visibility for a tower."

2 A. (Widell) That's correct.

3 Q. So, is that all an accurate reporting of what
4 occurred before the Kent County Historic
5 Preservation Commission?

6 A. (Widell) Yes, I believe so. Uh-huh.

7 Q. So, in that context, your expert opinion was
8 that the wireless tower would have -- would
9 have an adverse effect on the historic
10 district, even though perhaps only 15 percent
11 of the industrial structure, the wireless
12 tower, would be visible, is that correct?

13 A. (Widell) Uh-huh.

14 Q. So, in that case, you were looking to the Code
15 of the Federal Regulation to assess the impact
16 on the historic resources, correct?

17 A. (Witness Widell nodding in the affirmative).

18 Q. And you pointed out that the Code does not
19 define acceptable percentage of visibility of
20 the tower, is that correct?

21 A. (Widell) Yes.

22 Q. Isn't it also the case here that the SEC rules
23 don't define the percentage of visibility of a
24 structure?

[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) For historic properties, the
2 assessment does not define a percentage that
3 needs to be seen, that's correct, in either the
4 SEC rules or the -- for historic properties, or
5 Section 106.

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

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

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

11 BY MS. BOEPPLE:

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

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

18 Q. Okay.

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

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

23 A. (Widell) Yes. Uh-huh.

24 Q. Correct?

[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) Uh-huh.

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

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

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

17 A. (Widell) "No adverse effect."

18 Q. Okay. So, in this situation, despite new
19 structures being visible from historic
20 properties, you find that there's no adverse
21 effect. Whereas, in Chestertown, your
22 hometown, where 15 percent of a cell tower
23 might be visible from some historic properties,
24 that was an adverse effect, is that correct?

[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) Let me clarify a few things.

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

3 A. (Widell) No.

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

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

8 Q. Okay.

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

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

21 A. (Widell) Yes.

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

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

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[WITNESS PANEL: Widell~Bunker]

1 Q. Okay. Let's take a look at another effects
2 table. And this one is -- this is also part of
3 Applicants' Exhibit 196. And this is 178 --
4 excuse me, 170 Nottingham [Nottingham?] Road,
5 in Deerfield?

6 A. (Widell) Yes.

7 Q. Did you find that -- do you see that? Do you
8 recognize that?

9 A. (Widell) Yes, I do.

10 Q. Okay. And let's turn the page over please.
11 Thank you. And could you read the highlighted
12 section here.

13 A. (Widell) "Any views of the Project from the
14 property, which would be from areas of the
15 field, will be of a distant section of the line
16 and will be limited in scope. They will not
17 introduce visual elements that will diminish
18 the property's setting or landscape."

19 Q. But they will still be visible, is that
20 correct?

21 A. (Widell) Yes.

22 Q. Okay. And, then, down at the bottom again, you
23 reached a conclusion of "no adverse effect"?

24 A. (Widell) Yes.

[WITNESS PANEL: Widell~Bunker]

1 Q. Okay. And this is another one of the effects
2 tables. And this is the Deerfield Center
3 Historic District?

4 A. (Widell) Yes. Uh-huh.

5 Q. And you recognize this?

6 A. (Widell) Yes, I do.

7 Q. And let's turn this over please. And could you
8 read the highlighted section of this.

9 A. (Widell) "Depending upon the viewpoint, one new
10 transmission line structure will be visible in
11 relation to one historic building from within
12 the district. The Project will not be in the
13 views of the majority of the other contributing
14 historic buildings or throughout the entire
15 length of the district."

16 Q. But it could be visible and it could stick up
17 above the church steeple, is that correct?

18 A. (Widell) Yes.

19 Q. In fact, there's a DeWan simulation that shows
20 it will do exactly that, is that correct?

21 A. (Widell) No.

22 Q. You don't know or you're uncertain?

23 A. (Widell) No. The DeWan photo simulation does
24 not show that.

[WITNESS PANEL: Widell~Bunker]

1 Q. Okay. There is a simulation that's part of the
2 record that does show that. And I'm incorrect
3 that it was Mr. DeWan's?

4 A. (Widell) Yes.

5 Q. Have you seen other photo simulations that were
6 done in connection with this Project?

7 A. (Widell) Yes. I believe you are referring to
8 the T.J. Boyle photo simulations.

9 Q. All right. So, you are familiar with the photo
10 simulation I'm referencing?

11 A. (Widell) Yes.

12 Q. Thank you. So, we would see a structure above
13 an historic property, is that correct?

14 A. (Widell) In that photo simulation, it indicates
15 that.

16 Q. Likely, okay. And, again, you find that that's
17 no adverse effect, correct?

18 A. (Widell) Yes.

19 Q. I believe this is the last one I wanted to use.
20 So, this is Plain Road Historic District?

21 A. (Widell) Uh-huh.

22 Q. And do you recognize this effects table?

23 A. (Widell) Yes, I do.

24 Q. Okay. And this is also part of Applicants'

[WITNESS PANEL: Widell~Bunker]

1 Exhibit, whatever I said before, 196, thank
2 you. Again, this is where you have
3 identified -- is it fair to characterize the
4 summary section that talks about the impact,
5 but you find no adverse effect?

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

8 Q. Thank you. Okay. So, in your professional
9 opinion, in one situation in Maryland, where
10 15 percent of an industrial structure would
11 have an unreasonable adverse impact on an
12 historic property, but you're finding, in this
13 situation, where a new pole introduced to a
14 viewshed for an historic property, won't have
15 an unreasonable -- won't have an adverse
16 impact?

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

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

20 A. (Widell) I did not apply the "unreasonable
21 adverse affect" criteria in Maryland. It
22 doesn't exist in the Section 106 process. The
23 "unreasonable adverse effect" measure does not
24 exist in the Section 106 process. You're only

[WITNESS PANEL: Widell~Bunker]

1 looking at whether there is an adverse effect
2 to individual historic properties, and that is
3 what I was doing in Maryland, just like what
4 you do in California, Mississippi, or New
5 Hampshire. Applying the federal standard for
6 Section 106 is the same and works over and over
7 again, the same in every state in this nation
8 by professionals looking at whether a project
9 will cause an effect on an historic property.

10 Q. I think we just said the same thing.

11 A. (Widell) I have to disagree, because you asked
12 me to apply the "unreasonable adverse effect"
13 criteria to Maryland, and I did not apply that.
14 I did not apply that individually on a property
15 in Maryland.

16 Q. No. You used the Section 106 process in
17 Maryland, correct?

18 A. (Widell) Yes.

19 Q. Okay. But you also said you used the Section
20 106 process assessment here, correct?

21 A. (Widell) Yes. And, then, I also applied the
22 criteria broadly to come to my decision in the
23 testimony that this Project will not cause an
24 unreasonable adverse effect, as a project, to

[WITNESS PANEL: Widell~Bunker]

1 historic resources.

2 Q. Right. But these are individual effects
3 tables, correct, --

4 A. (Widell) Yes.

5 Q. -- that we just went through?

6 A. (Widell) Yes.

7 Q. And, with each one of those individual historic
8 properties, you made a determination, correct?

9 A. (Widell) Yes.

10 Q. Okay. When you moved to Chestertown, Maryland,
11 a section of the town was already designated as
12 a historic district, and listed on the National
13 Register, is that correct?

14 A. (Widell) Yes. It's actually a national
15 historic landmark. It has the highest
16 designation that the National Park Service can
17 give.

18 Q. And have you provided testimony or expert
19 opinion before the Chestertown Historic
20 District Commission?

21 A. (Widell) Yes.

22 Q. And was one of those properties the Garfield
23 Center for the Arts?

24 A. (Widell) Yes, it was.

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[WITNESS PANEL: Widell~Bunker]

1 Q. And was that on an application for an LED sign?

2 A. (Widell) Yes.

3 Q. So, did you provide testimony and an expert
4 opinion on that application?

5 A. (Widell) Yes.

6 Q. So, you were representing the applicant?

7 A. (Widell) Yes.

8 Q. And, during that proceeding, isn't it also true
9 that the town's attorney recommended that the
10 Historic District Commission hold a rehearing
11 due to a "misleading information that you
12 presented during the first hearing"?

13 A. (Widell) That was his statement. Yes.

14 Q. And isn't it also true that the misleading
15 information that he -- he characterized it as
16 "misleading information", that you made was a
17 representation that the National Park Service
18 gave an official opinion about the application,
19 when, in fact, the Park Service had not done
20 so?

21 A. (Widell) Yes.

22 Q. Okay.

23 A. (Widell) I would be happy to provide you with
24 more information about that.

[WITNESS PANEL: Widell~Bunker]

1 Q. I have the minutes from the meeting.

2 A. (Widell) Uh-huh.

3 Q. We can -- we'll submit that as an exhibit.

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

6 Sorry, Dawn. Back to the ELMO
7 please.

8 MS. BOEPPLE: Sorry.

9 BY MS. BOEPPLE:

10 Q. So, I'm showing you a letter from the Garfield
11 Center for the Arts. Do you recognize that?

12 A. (Widell) Yes.

13 Q. And does it state that it's a "Request to
14 Correct the Record"?

15 A. (Widell) Yes.

16 Q. Okay. And does it state that "John Sprinkle, a
17 historian with the National Park Service,
18 called [the Garfield Center for the Arts]
19 Project Architect, Peter Newlin, to explain
20 that he had provided [their] expert witness",
21 you, "Cherilyn Widell, with a "private and
22 personal opinion" on the appropriateness of the
23 Garfield's sign under the Secretary of the
24 Interior's Standards, which opinion he believes

[WITNESS PANEL: Widell~Bunker]

1 he had clearly indicated to you could not be
2 construed to be that of the National Park
3 Service"?

4 A. (Widell) Yes.

5 Q. And that the letter to Garfield submitted in
6 evidence indicated otherwise?

7 A. (Widell) No.

8 Q. You don't agree with his letter?

9 A. (Widell) No.

10 Q. Okay. So, your -- the Garfield Center for the
11 Arts submitted a letter. Did the town decide
12 to hold a rehearing?

13 A. (Widell) Yes.

14 Q. Okay. And that was based on their
15 understanding that you had made a
16 representation that Garfield, your -- the
17 employer, your employer, retracted?

18 A. (Widell) It was their understanding that I had
19 stated it was the "official position of
20 National Park Service". I had stated that I
21 had gotten the information from a colleague at
22 the National Park Service.

23 Q. Okay. I'm showing you the minutes from the
24 Historic District Commission.

[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) Uh-huh.

2 Q. December 5. And, if you go to the second
3 page -- sorry, just give me a minute please.

4 This, from the second page through, is
5 this the original -- are these the minutes from
6 that meeting where you presented testimony?

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

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

11 A. (Widell) Yes.

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

14 A. (Widell) Yes.

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

17 A. (Widell) Yes.

18 Q. Those are all correct. Okay.

19 MR. IACOPINO: What page are you on?

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

24 BY MS. BOEPPLE:

{SEC 2015-06} [Day 28/Morning Session ONLY] {08-29-17}

[WITNESS PANEL: Widell~Bunker]

1 Q. So, this was to review the sign. Then, if we
2 can go to -- and action was taken by the
3 Commission, is that correct?

4 A. (Widell) Yes.

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

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

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

18 A. (Widell) Okay.

19 Q. So, you were there.

20 A. (Widell) Okay.

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

[WITNESS PANEL: Widell~Bunker]

1 Record. So, it was sometime during that
2 hearing that information had been presented, is
3 that correct?

4 A. (Widell) Yes.

5 Q. Okay. So, in asking to correct the record, is
6 it accurate that there was a new hearing that
7 was held?

8 A. (Widell) Yes.

9 Q. Okay. We're going to go back to your
10 supplemental testimony for a couple of
11 questions. So, are you familiar with The Rocks
12 Estate?

13 A. (Widell) Yes.

14 Q. And have you been there?

15 A. (Widell) Yes.

16 Q. Are you aware of the history of The Rocks
17 Estate?

18 A. (Widell) Yes.

19 Q. So, you know that it's on the National
20 Register, is that correct?

21 A. (Widell) Yes.

22 Q. And you also know that it's within the area
23 designated -- the designated Area of Potential
24 Effect?

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[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) Yes.

2 Q. And do you know under which categories it was
3 nominated for the National Register?

4 A. (Widell) I'm going to -- certainly, landscape
5 architecture and conservation, I believe would
6 be two of them, yes.

7 Q. That's okay. We have the National --

8 A. (Widell) Okay.

9 Q. We have the nomination, the National Register
10 nomination.

11 A. (Widell) I have reviewed it, but it has been a
12 while since I've looked at the nomination.

13 Q. That's okay. I don't expect you to remember
14 every detail related to the property.

15 A. (Widell) Okay. Thank you very much.

16 Q. So, let's take a look at the National Register.
17 So, I'm showing you SPNF Exhibit 222. And this
18 is the first page of the Inventory -- the
19 Nomination Form. Does that look like --

20 A. (Widell) Yes.

21 Q. -- a typical Inventory Nomination Form?

22 A. (Widell) Uh-huh. Uh-huh.

23 Q. Okay. So, let's go to -- so, we're now looking
24 at Page -- the Significance page of the

[WITNESS PANEL: Widell~Bunker]

1 Nomination Form. And can you see the
2 highlighted sections?

3 A. (Widell) Yes.

4 Q. Okay. And what do those say?

5 A. (Widell) "The Rocks is one of the best
6 preserved of the numerous grand private estates
7 that appeared in New Hampshire during the late
8 19th century. The surviving structure of the
9 estate represent one of the finest collections
10 of turn-of-the-century special-purpose
11 buildings remaining in New Hampshire. The land
12 survives today in much the same condition in
13 which it was acquired by John J. Glessner,
14 except that areas which then had been recently
15 deforested or recently abandoned as fields now
16 support mature stands of shade-tolerant
17 hardwoods and conifers."

18 Q. And let's go back to the first page.

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

24 BY MS. BOEPPLE:

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[WITNESS PANEL: Widell~Bunker]

1 Q. Okay. Can you see the Areas of Significance
2 that are checked off there?

3 A. (Widell) Yes.

4 Q. And what are those?

5 A. (Widell) "Agriculture", "Architecture",
6 "Conservation", "Landscape Architecture", and
7 "Other", specifically "Tourism".

8 Q. So, this is a property that qualified for
9 National Register listing based on several
10 different criteria, correct?

11 A. (Widell) Areas of Significance, yes.

12 Q. Areas of Significance.

13 A. (Widell) Uh-huh.

14 Q. Okay. And I believe you testified earlier
15 under Mr. Roth's questioning that you talked
16 about the Weeks State Park, and that that was
17 listed on the National Register. But I thought
18 you said that was the only property that was
19 listed on the National Register that was along
20 the route or would be impacted?

21 A. (Widell) No.

22 Q. You did not testify to that?

23 A. (Widell) No. What I may have said is that
24 Weeks -- that the mansion at Weeks was the only

[WITNESS PANEL: Widell~Bunker]

1 property that's actually listed on the National
2 Register within the cultural landscape that
3 recently was identified in that area.

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

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

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

12 A. (Widell) Yes.

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

20 Did I accurately read that?

21 A. (Widell) Yes.

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

24 A. (Widell) Uh-huh.

[WITNESS PANEL: Widell~Bunker]

1 Q. Would that be fair to say?

2 A. (Witness Widell nodding in the affirmative).

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

11 A. (Widell) Yes.

12 Q. Does that not indicate that the landscape is a
13 relatively important part or feature for this
14 historic resource?

15 A. (Widell) Yes. And, as we know, it was a
16 designed landscape by Frederick Law Olmsted,
17 yes.

18 Q. Okay.

19 *[Court reporter interruption.]*

20 **BY THE WITNESS:**

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

23 BY MS. BOEPPLE:

24 Q. So, wouldn't that narrative also indicate that

[WITNESS PANEL: Widell~Bunker]

1 there should be more to determining an adverse
2 effect on this historic property than checking
3 the review box under Section 106?

4 A. (Widell) I'm not sure I understand your
5 question exactly. "More than checking a box"?
6 I'm not sure what you're referring to,
7 honestly, Ms. Boepple, in that.

8 Q. All right. On the effects table. So, well, my
9 real question is, did you find that there was
10 adverse effect, there would be an adverse
11 effect on this property?

12 A. (Widell) No.

13 Q. Okay. Are you familiar with the potential
14 relocation of one of the transmission
15 structures that might bring it within the
16 viewshed of The Rocks Estate?

17 A. (Widell) We would have considered that in the
18 effects review.

19 Q. So, a potential structure within this -- we've
20 just agreed that the viewshed is fairly
21 important, correct?

22 A. (Widell) Yes.

23 Q. As part of this property. So, a new structure
24 being introduced of some industrial structure

[WITNESS PANEL: Widell~Bunker]

1 is not going to have an adverse impact on this
2 property?

3 A. (Widell) It might, it might not. That is
4 exactly the work that we have been doing, is
5 very carefully looking at the significance of
6 the properties, and then what effect the
7 Project may have. And, of course, we're also
8 doing about three miles of underground within
9 the viewshed of The Rocks Estate for this
10 Project.

11 Q. But, if there's a new structure that gets
12 introduced, might that change your opinion?

13 A. (Widell) We would take it into account in doing
14 an effects of the historic property.

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

19 (Short pause).

20 BY MS. BOEPPLE:

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

[WITNESS PANEL: Widell~Bunker]

1 recently, is that correct?

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

4 Q. Just within this last month, correct?

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

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

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

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

17 A. (Widell) Yes.

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

20 A. (Widell) Yes.

21 Q. So, as part of the review under the effects
22 table -- okay. So, we're looking at Page Hill
23 Agricultural Historic District. Do you
24 recognize that?

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[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) Yes. I'm pulling it up in my effects
2 tables.

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

7 BY MS. BOEPPLE:

8 Q. And here it states "This Project will not
9 introduce visual elements that diminish the
10 integrity of setting and views that are
11 significant features of the Historic District,
12 but the Project will be between 0.6 miles and
13 1.5 miles from the historic buildings and open
14 land on Twin Mountain Road." Is that what it
15 says?

16 A. (Widell) Actually, it says "0.8 miles and
17 1.5 miles", if I can correct you. Yes.

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

20 A. (Widell) Okay.

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

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

23 Q. Maybe you have a different effects form?

24 A. (Widell) I don't think so.

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[WITNESS PANEL: Widell~Bunker]

1 Q. Let's assume it's 0.6, at least that's --

2 A. (Widell) I'm happy to assume it's 0.6.

3 Q. Okay. So, and then it goes on to talk about
4 "3-D modeling shows that it will not be visible
5 from the District due to the distance, lower
6 elevation, and intervening wooded terrain."

7 A. (Widell) Yes.

8 Q. Is that correct?

9 A. (Widell) Yes.

10 Q. How do you know it's not going to be visible?

11 A. (Widell) There are a number of things that we
12 did to determine this. First off, in site
13 visitation, viewing the existing line, and
14 whether you can see the existing line. Of
15 course, we know that the structures will become
16 higher. And, so, if you can see the existing
17 line, then we know that it might be likely that
18 you can see the new project.

19 Then, we also, and in this case we talked
20 specifically about doing 3-D modeling. Where,
21 using Google Earth, the topography is laid in a
22 computer setting. The actual project, which is
23 put together by the engineers, the height of
24 the structure, the drop of the conductors, the

[WITNESS PANEL: Widell~Bunker]

1 actual location of the structures in a
2 particular landscape in that topography. And,
3 then, in addition to that, if there is
4 vegetation, such as trees, the conservative
5 height of trees being 40 feet, are located
6 where those trees would actually be in the
7 landscape. And that are -- those are two of
8 the views.

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

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

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

24 A. (Widell) Yes.

[WITNESS PANEL: Widell~Bunker]

1 Q. So, is there an assumption that those trees are
2 going to stay there, they're not going to get
3 cut down, that the vegetation is going to
4 remain the same?

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

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

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

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

23 A. (Widell) Yes.

24 Q. Okay. So, there may be some distance between

[WITNESS PANEL: Widell~Bunker]

1 the edge of the right-of-way and the historic
2 property, is that correct?

3 A. (Widell) Yes.

4 Q. Okay. And the Applicant isn't going to have
5 control over that area, from the edge of the
6 right-of-way to the historic property, correct?

7 A. (Widell) Correct.

8 Q. And, so, the modeling and the assumptions are
9 all based on only what the Applicant has
10 control over, correct?

11 A. (Widell) Yes.

12 Q. Okay. So, this is another effects table. And
13 this is the Groveton --

14 A. (Widell) Uh-huh.

15 Q. -- Village Historic District. And the
16 highlighted section says "Though viewshed
17 mapping shows potential visibility from several
18 locations in the District, on-site survey and
19 3-D modeling indicates that there will be no
20 views due to topography and dense, mature
21 vegetation screening." Is that correct?

22 A. (Widell) Yes.

23 Q. Again, this is assuming that the vegetation and
24 screening has an effect only what the Applicant

[WITNESS PANEL: Widell~Bunker]

1 can control? Nothing that is outside of their
2 control, correct?

3 A. (Widell) Yes.

4 Q. Okay. And the findings of "no adverse effect"
5 have to do with some of this vegetation and the
6 screening, correct?

7 A. (Widell) Yes.

8 Q. Okay. I believe that you've also stated, and
9 you stated this during Counsel for the Public's
10 questioning, that the use of a monopole as a
11 mitigation measure, is that correct? As
12 opposed to a lattice structure?

13 A. (Widell) I would -- I would classify it more as
14 a minimization.

15 Q. So, it's going to reduce the effect, but it's
16 not going to eliminate the effect, correct?

17 A. (Widell) Yes.

18 Q. Okay. Is it fair to also say that, despite it
19 minimizing, it's still introducing perhaps an
20 industrial element into the landscape?

21 A. (Widell) No, not necessarily. As we've
22 discussed, within 90 miles, there has been an
23 existing transmission corridor there for 60 to
24 90 years. So, there is already --

[WITNESS PANEL: Widell~Bunker]

1 Q. Not with structures -- excuse me. But not with
2 structures of the height that we're talking
3 about in this Project, correct?

4 A. (Widell) That is true.

5 Q. Okay.

6 A. (Widell) But it is not "introducing" a new
7 industrial structure. There is an industrial
8 transmission line there already. Yes, they're
9 larger structures, they're different
10 structures, they're in different locations.
11 That all needs to be taken into consideration
12 and has been. But it's not new, in at least
13 90 miles of the existing right-of-way.

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

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

20 Q. Well, you seem to indicate that the existing
21 corridor and the existing structures are there,
22 and that therefore the new structures, which
23 are taller, there's no question they're going
24 to be taller, correct?

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[WITNESS PANEL: Widell~Bunker]

1 A. (Widell) Yes.

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

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

6 Q. Okay.

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

8 Q. Okay. And that's your opinion?

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

12 Q. But, where you had a cell tower, with
13 15 percent of the top visible, that was an
14 adverse effect?

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

21 You cannot generalize and say, just
22 because these particular buildings are all of
23 one type, that you have similar results. You
24 do not. You must take a look at each property.

{SEC 2015-06} [Day 28/Morning Session ONLY] {08-29-17}

[WITNESS PANEL: Widell~Bunker]

1 And that is exactly what we have done with this
2 Project, in a very careful manner, over and
3 over again.

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

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

13 *[Brief off-the-record discussion ensued.]*

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

16 WITNESS WIDELL: Okay.

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

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

{SEC 2015-06} [Day 28/Morning Session ONLY] {08-29-17}

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C E R T I F I C A T E

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)