STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

August 29, 2017 – 1:01 p.m.     DAY 28
49 Donovan Street’s     AFTERNOON ONLY – REDACTED
Concord, NH

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

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

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

Dir. Craig Wright, Designee     Dept. of Environ. Serv.
Christopher Way, DRED          Dept. of Resources &
                             Economic Development
William Oldenburg, Designee     Dept. of Transportation
Patricia Weathersby          Public Member
Rachel (Whitaker) Dandeneau     NOT PRESENT

ALSO PRESENT FOR THE SEC:
Michael J. Iacopino, Esq., Counsel to the SEC
(Brennan, Caron, Lenehan & Iacopino)
Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Susan J. Robidas, NH LCR No. 44

{SEC 2015-06} [Day 28 AFTERNOON – REDACTED] {08-29-17}
<table>
<thead>
<tr>
<th>EXAMINATION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cross-examination resumed by Ms. Boepple</td>
<td>4</td>
</tr>
<tr>
<td>Cross-examination by Mr. Plouffe</td>
<td>17</td>
</tr>
<tr>
<td>Cross-examination by Ms. More</td>
<td>36</td>
</tr>
<tr>
<td>Cross-examination by Mr. Whitley</td>
<td>63</td>
</tr>
<tr>
<td>Cross-examination by Ms. Pacik</td>
<td>135</td>
</tr>
<tr>
<td>CONFIDENTIAL Cross-examination</td>
<td>180</td>
</tr>
<tr>
<td>of Ms. Bunker by Ms. Pacik</td>
<td></td>
</tr>
<tr>
<td>(under separate cover)</td>
<td></td>
</tr>
<tr>
<td>EXHIBITS</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>Jt Muni 264</td>
<td>NHDHR Individual Inventory Form DED0006</td>
</tr>
<tr>
<td>Jt Muni 265</td>
<td>Effect Evaluation for 47 Candia Road, Deerfield (DEE0006)</td>
</tr>
<tr>
<td>Jt Muni 266</td>
<td>Letter to SEC from Property Owners Matthews re: 47 Candia Rd., Deerfield</td>
</tr>
<tr>
<td>Jt. Muni 262</td>
<td>E-mail string between Ms. Pacik and Ms. Callaghan</td>
</tr>
<tr>
<td>JT Muni 263</td>
<td>GIS map of Maple View Farm</td>
</tr>
<tr>
<td>Jt Muni 261</td>
<td>DOE Final EIS (Aug. 2017)</td>
</tr>
</tbody>
</table>
AFTERNOON SESSION

(Hearing resumed at 1:01 p.m.)

CHAIRMAN HONIGBERG: All right.

Ms. Boepple, you may proceed.

MS. BOEPPLE: Thank you. As it turns out, since AMC is here, they're going to ask most of their own questions. So I'm just going to cover just a few more, and then I'll relieve you of my questioning.

CROSS-EXAMINATION (resumed)

BY MS. BOEPPLE:

Q. So I'm going to put up on the ELMO a portion of the SEC rules. And I think you're familiar with this, Ms. Widell; correct?

A. (Widell) Yes.

Q. This morning we talked a lot about the SEC definition of "effects on historic properties." We talked about what happens with the SEC. And I believe what you stated was under the Section 106 process there's a review of the historic properties and a determination of whether there will be an adverse effect on the historic property; correct?
A. (Widell) Yes.

Q. And I believe you also have stated that the SEC process is a comprehensive review of the Project's impact and whether or not there will be an unreasonable adverse effect on historic resources; correct?

A. (Widell) Yes.

Q. So if it's cumulative, don't you still have to go through an analysis of whether there's an unreasonable adverse effect on specific historic sites under the SEC process?

A. (Widell) No, that is not how I did my review.

Q. Then let's look at the rule, okay. Let's read the rule. And under the rule it states, "In determining whether a proposed energy facility will have an unreasonable adverse effect on historic sites, the Committee shall consider..." 1, 2, 3, 4, 5. And 5 says, "The effectiveness of the measures proposed by the Applicant to avoid, minimize or mitigate unreasonable adverse effects on historic sites in archeological resources and the extent to which such measures represent Best Practical Measures."
Now, if it's all cumulative, how are you going to have mitigation on specific historic sites?

A. (Widell) Mitigation is looked at for an entire project. That's not uncommon.

Q. So your position is that the legal standard is that all the SEC has to do is determine how to mitigate comprehensive impacts, not impacts on the individual properties?

A. (Widell) No, that's not what I said.

Q. Okay. So help me understand what you are saying. Do you not have to determine whether there is an unreasonable adverse effect on a specific historic site?

A. (Widell) That is not the way I applied "unreasonable adverse effects" to my evaluation of this project. I did not look at individual property by property. If you look at the top four criteria, you will see that they're talking about all of the historic sites and archeological resources affected and any potential adverse effects. You're looking at the number of significance of any adversely affected sites; the extent,
nature and duration of the adverse effects on
historic sites and archeological sites. So,
those and the findings of Section 106, to me
as a professional in the field of historic
preservation, that is looking at all of the
properties and all of those effects that are
being caused by a project. It's not an
uncommon thing that's done by state historic
preservation officers, too, when they're
looking at how a project is going to affect
historic properties.

Q. Why would you even get to mitigation if you
haven't found that there's been an
unreasonable adverse effect? Based on your
definition and the way you're looking at
this, you're indicating that the
mitigation -- I mean, the rule says
mitigation has to be done; correct? It's got
to be considered; correct? So what are you
going to mitigate?

A. (Widell) I'm sorry.

Q. So my question is: What are you mitigating
if you haven't found that there's been an
unreasonable adverse effect on a specific
historic site?

A. (Widell) It actually says "the effectiveness
of the measures proposed by the Applicant to
avoid, minimize and mitigate" --

Q. Right. I was picking mitigation as opposed
to avoid, et cetera.

A. (Widell) So you're looking at many different
properties.

And your question again? I'm sorry.

Q. Well, my question is: If you haven't
decided -- if you haven't made a
determination that there is some sort of an
unreasonable adverse effect, why do you have
to even go through the process of avoiding,
minimizing, mitigating anything?

A. (Widell) I have made a very clear statement
that I do not believe that this project
causes an unreasonable adverse effect to
historic properties in my testimony, and the
specific reasons are indicated in my
testimony.

Q. I understand your testimony.

Okay. So, also in your prefiled
testimony you quote, and I quote you -- it's
on Page 12 of your testimony -- that you
expect the DOE, in consultation with DHR,
will determine in the end of the Section 106
process, as you have, that there will be some
adverse effects from the Project; correct?
Page 12 of your prefiled.

A. (Widell) I'm sorry. I was looking at my
supplemental. Forgive me.

Q.  Sure.

        (Witness reviews document.)

A. (Widell) What line?

Q.  Sorry. Might be in your supplemental.

       Sorry. Oh, no, it's in your direct. Sorry.

         Line 7.

A. (Widell) Yes.

Q.  Did I read it accurately? What does it say?

A. (Widell) "...DHR and the Advisory Council on

Historic Preservation will have a continuing

role in the Project until it's completion. I

expect that DOE, in consultation with DHR,

will determine at the end of the Section 106

process, as I have, that there will be some

adverse effects from the Project. The

Section 106 process will require that any
adverse effects will be mitigated." And that
is done in the Programmatic Agreement.

Q. So I'm going to go back to the letter from
DHR from this morning.

(Pause)

Q. This is on the last page of the letter from
DHR. And the second paragraph says, "The
Programmatic Agreement does not specify
whether the anticipated effects of
construction, operation and maintenance of
the Northern Pass Project are adverse to
historic properties, nor does it mandate
specific treatment or mitigation measures";
correct?

CHAIRMAN HONIGBERG: Slow down
just a little as you read.

MS. BOEPPE: Sorry.

A. (Widell) Yes.

Q. "Those determinations are to be made as the
participating parties complete their
responsibilities as specified by the PA."
The "PA" being the Programmatic Agreement;
correct?

A. (Widell) Hmm-hmm.
Q. "The PA anticipates avoiding, minimizing and
mitigating adverse effects through the
preparation and implementation of several
plans"; correct?
A. (Widell) Yes.
Q. And then it lists the plans; correct?
A. (Widell) Hmm-hmm.
Q. So the Programmatic Agreement, didn't you
just state that that is going to set forth
the mitigation?
A. (Widell) Yes. There is a process normally in
a Programmatic Agreement by which the parties
develop precise mitigation. Now, what
they're saying is that there's not numbers or
precise mitigation for doing an adverse
effect on this property or that property.
That is not delineated normally in a
Programmatic Agreement. Often there is a
process for determining what mitigation will
be at the time that the adverse effects have
been finalized and determined.
Q. So do you agree with the letter --
A. (Widell) Yes.
Q. -- that that is an accurate statement?
A. (Widell) Yes.

Q. Also in your prefilled testimony, Page 12, Lines 15 through 17 --

A. (Widell) Yes.

Q. -- you're making a request that the SEC delegate to DHR monitoring and compliance authority with respect to historic resources. Do you know if the SEC can legally delegate that kind of compliance authority to DHR?

A. (Widell) No, I disagree with you. I'm not making that request. What I say here is, based on prior precedent, it is reasonable to expect that the SEC will delegate to DHR monitoring and compliance authority with respect to historic resources. I believe that that has occurred previously with the issuance of SEC certificates.

Q. Has that been your experience?

A. (Widell) In a couple of the previous projects that were issued certificates, I observed that there were provisions for that, yes.

Q. But you don't have any specific experience with that; correct?

A. (Widell) I'm not sure I understand your
Q. Did you not testify this morning that you have never been before the SEC?
A. (Widell) Yes, that's true.
Q. Okay. So this is based on your reading of --
A. (Widell) Yeah.
Q. -- of other SEC certificates; is that correct?
A. (Widell) Yes, proceedings.
Q. So you do not have any legal background; correct?
A. (Widell) Correct.
Q. So your opinion is based on your layperson's reading, is that correct, of what authority the SEC might or might not have, or perhaps on the attorneys advising you on what authority the SEC might or might not have?
A. (Widell) No. I would state that, once again, if we look broadly in my field, in the field of historic preservation, completing an agreement document when you have found an adverse effect that includes things as were indicated by DHR, a mitigation plan, a historic preservation treatment plan -- as
the state historic preservation officer in California, I was involved in many, many, many agreement documents, and they are what results after you have done, first, the --

Q. We're not in California; correct?

A. (Widell) We're not in California. But I'm trying to inform you that there is a standard, just as I believe there are standards in the legal profession, of the way we deal with effects on historic properties. And if there is an adverse effect in the Section 106 process, it ends in an agreement document. It might be called a Memorandum of Agreement if there's an individual project, or a Programmatic Agreement is used when you have a larger project and you have stages that you need to complete as part of the construction of that project. That is what is happening here.

Q. That's great. That's terrific. We all understand that's what happens in the Section 106 process. We are in the SEC process. And my questions had to do with specifically under the SEC rules and whether
or not the kind of delegation of authority you are relying on to protect historic resources is even legally enforceable. Do you know the answer to that?

A. (Widell) I can't to speak to whether it's legally enforceable. But I know that it has happened in the past that the SEC has depended on the Section 106 process and agreement documents to carry out work beyond the issuance of a certificate. And I believe that's exactly the situation we have here because we have completed so much work related to identification and now assessment, and then the last part of that will be moving forward with a Programmatic Agreement document that enables DHR to manage and monitor things going forward and making sure that the Project Applicant does those things. So the SEC is not doing it. It is the knowledgeable state entity, the DHR, that is taking that authority on behalf of SEC.

Q. And you don't agree with the Commission's -- the DHR's letter about how this process works. You disagree with how they --
A. (Widell) That's absolutely not --

(Court Reporter interrupts.)

Q. You disagree with how the process is set forth in the letter from DHR. It said specifically -- we can read it again if you'd like.

A. (Widell) Not at all. I think the letter has stated precisely what I have stated.

Q. Okay. We'll just agree to disagree then.

I have no other questions. Thank you.

A. (Widell) Thank you very much, Ms. Boepple.

CHAIRMAN HONIGBERG: I think next up is Ms. More from the Stark, Bethlehem Group.

MR. PLOUFFE: Mr. Chairman, AMC does have some questions.

CHAIRMAN HONIGBERG: Let's go off the record for a minute.

(Pause in proceedings)

CHAIRMAN HONIGBERG: Mr. Plouffe.

MR. PLOUFFE: I apologize for keeping the Chair in the dark on this.

CROSS-EXAMINATION
BY MR. PLOUFFE:

Q. Ms. Widell, my name's Bill Plouffe. I represent the Appalachian Mountain Club in this proceeding.

A. (Widell) Hi.

Q. Hi.

A. (Widell) Good afternoon. I'm not sure I heard your last name correctly, and I don't want to mess it up if I refer to you.

Q. It's a common experience for me, I'll tell you. It's Plouffe. And if you were in Montreal, it would be "Ploofe."

A. (Widell) Okay. P-L --

Q. P-L-O-U-F-F-E.

A. (Widell) -- O-U-F-F-E. Thank you very much.

Q. So we've talked this morning about the very recent DHR letter that was submitted to the Subcommittee. And from that I would take that the Section 106 process and the DHR analysis is not yet complete. Would you agree with that?

A. (Widell) I would have to disagree with you, in that I believe the letter says that the identification part of it is very nearly
complete and that the assessment of effects
has begun.

Q. So the assessment of effects is not complete.
A. (Widell) The assessment of effects is not
complete.

Q. It's a work in progress.
A. (Widell) Yes.

Q. I think you said this morning in response to
a question that you would not anticipate that
that would be finished by the end of this
year.
A. (Widell) No. I think the question was
regarding the, quote, Section 106 process
being completed. And the Programmatic
Agreement will have a number of things in it,
which is typical, which will carry on past
the issuance of a certificate, as has been
done previously.

Q. Do you have a time when you anticipate that
the DHR analysis of the effects will be
completed?
A. (Widell) No, I do not.

Q. So it could be by the end of the year or not;
correct?
A. (Widell) Could be, yes.

Q. So would the results of the final Section 106 review by DHR be helpful to this Subcommittee in its decision as to whether or not this Project poses an unreasonable adverse impact or effect on historic resources?

A. (Widell) No, I have to disagree with that. I think we have a huge amount of information already that indicates the identification of historic resources within the Area of Potential Effect, the effects on those historic properties. And I think that from my testimony I am very much convinced that there is not an unreasonable adverse effect from this project on historic resources.

Q. So at the time of your prefilled testimony and your supplemental prefilled testimony, you did not apparently include a number of the historic resources that DHR has now asked the Applicant to examine.

A. (Widell) I do not believe that there are substantially more. There were some that we included in our assessment report that eventually were not included in the
inventory. But there's quite a similar
similarity between the lists and the Project
area forms, of course, which informed the DHR
direction for inventories, and the properties
that we assessed in the assessment report --
Q. Forgive me, but what are the 111 project
forms that we talked about this morning that
you've very recently given to DHR?
A. (Widell) Let me take a look at the precise
numbers if I can.
Q. Sure.
(Witness reviews document.)
A. (Widell) There have been 118 inventory forms
completed and submitted to DHR, and 109 of
those have been finalized and the eligibility
have been determined; there are 9 in progress
at this time. So those are the inventory
forms that I said were still yet to be --
they have been completed, but I do not
believe they've been submitted for
determination. They're all at Webster Lake.
Q. But we do not have the DHR's opinion on the
information that you've given them at this
point in time; correct?
A. (Widell) No, that's not true. The DHR has reviewed those 109 of the 118 that have been submitted, and they have determined whether they are eligible for the National Register or not. So that is an important part of the identification stage, to determine exactly what historic properties are out there in the Area of Potential Effect and which ones need to be considered in the 106 process, and that has been completed by DHR.

Q. Has DHR determined which avoidance and mitigation they will require?

A. (Widell) No, they have not.

Q. Wouldn't that information be of benefit to the Subcommittee in making its determination?

A. (Widell) Perhaps. But the important thing is to determine really which historic properties are in the Area of Potential Effect and which are likely to be affected.

Q. In both your prefiled and your supplemental prefiled you've reached the conclusion that the Project will not have an unreasonable adverse effect on historic resources. In making that statement, you went beyond what
the Preservation Company stated in their written report that's part of Appendix 18; correct?

A. (Widell) I do not know what you speak of. And no.

Q. Well, didn't the Preservation Company say they were making no assessment other than reasonable [sic] adverse effect criteria under RSA 162-H?

A. (Widell) In the methodology, that's correct. The assessment forms were all related to identification under the National Register criteria for which you're eligible for the National Register. And then the effects were done based on the 36 CFR 800 "adverse effects" definition. And then my responsibility, under my testimony, was to determine, in looking at the identified historic properties and the adverse effects that we found throughout the entire project, whether I believe that there was an unreasonable adverse effect. And I testified to that in October of 2015, that there is not an unreasonable adverse effect being caused
by this project.

Q. So let's go to the topic that I know was covered a little bit in your August 2nd testimony under questioning by Mr. Roth, and that is this interpretation that you make of the SEC rules regarding the scope of inquiry, if you will, with respect to unreasonable adverse effect.

In your supplemental testimony you criticize the report that was done by Scott Newman of 106 Associates. And you say that Mr. Newman reviewed only resources located in the town of Deerfield and found two historic districts there -- and there's a typo -- that present unreasonable adverse effect. And then in a footnote on Page 11 of your prefiled testimony -- supplemental testimony, you say, "I believe this is a misinterpretation of the NH SEC requirement that the Project not have an unreasonable adverse effect on historic sites," and you cite RSA 162-H and 301.14(b). You go on, "The assessment of unreasonable adverse effect is for the Project as a whole. While
that includes evaluation of individual Stark properties, the finding of unreasonable adverse effect does not apply to discrete individual resources."

So you just had a short dialogue with Ms. Boepple about this issue, so I'm going to ask you: If we accept your interpretation of the rule, how does the SEC determine whether or not there is an unreasonable adverse effect on historic sites?

A. (Widell) They have very precise direction on that by looking at, under Site 301.14(b), which is looking at all of the historic sites and archeological resources potentially affected by the proposed facility and any anticipated potential adverse effects on such sites; and under two, the number and significance of any adversely affected historic sites and archeological resources, taking into consideration the size, scale and nature of the proposed facility; three, the extent, nature and duration of the potential --

Q. Okay.
A. (Widell) -- adverse effects and on. I don't need to --

Q. Fine.

A. (Widell) I'm sure the SEC knows it, so I don't have to recite it to them. But I wanted you to be aware that there's -- we're looking at all the sites, all the effects --

Q. All along the 192-mile corridor.

A. (Widell) Yes.

Q. All right. That's what I'm trying to get from you, that you looked at all the sites. So if we accept that paradigm, that way of looking at this, wouldn't it be possible for there to be one historic site that is suffering a significant, major adverse effect; yet, that would be averaged out over the 192 miles and thrown in with all the other sites? Looked at another way, is the denominator in the equation that you're proposing all of the sites along 192 miles?

A. (Widell) No, I disagree with that statement, in that they're looking at all of the sites that are potentially affected.

Q. Okay. So, along the 192 miles.
A. (Widell) Yes.

Q. Okay. So that is the denominator, all the sites that are potentially affected along 192 miles.

A. (Widell) That are located within the Area of Potential Effect that was established by DHR, in consultation with the Department of Energy.

Q. Except for your last statement, okay, we're in agreement.

So in that analysis that you just proposed, if my numerator, using this fraction analysis -- or analogy, if the numerator is one site that's going to be severely adversely affected because that's averaged out over all of the sites, then you still would reach the conclusion, under your methodology that the Project does not present an unreasonable adverse effect.

A. (Widell) No, we don't need to talk about that because there are -- in my opinion, there are six adverse effects, and they are not adverse effects to the extent that they would be, in totality, an unreasonable adverse effect.
Q. I'm just talking about your methodology. I think we do need to talk about your methodology, because if your methodology is incorrect, if in fact what you should have been doing is analyzing each identified historic site as to whether or not there's an unreasonable adverse effect, you didn't do that.

A. (Widell) That's not accurate, in that just prior to our lunch break I talked about how we first looked at each historic property that's within the Area of Potential Effect. We identify what those properties are and why they're significant. Then we apply the "adverse effect" definition to them to see if there's a direct or visual adverse effect. We did that over and over and over again with each property. And the result was determining that, for this project, for the entire length of it within the Area of Potential Effect where there is likely to be an adverse effect on historic resources, we found six adverse effects.
Q. But you didn't make a determination as to each site as to whether or not there was an unreasonable adverse effect, because that's precisely what you criticized 106 Associates for doing.
A. (Widell) That's correct. I did not apply it on a building-by-building or property-by-property basis.
Q. So you were hired on this project I believe in the spring of 2015 is what you told Mr. Roth; is that correct?
A. (Widell) I believe that I couldn't remember precisely. I think it may have been a little before that.
Q. So it could have been the winter/spring of --
A. (Widell) Yeah, right. Yeah.
Q. Okay. So, with respect to the route of the Project where the transmission line is going, that had already been determined by Northern Pass at the time you were hired.
A. (Widell) No, it had not entirely. I remember that decision to put a portion of it underground was just then -- was not publicly stated. And of course the route right now
for the underground portion, precisely where
it's going, is still being determined.

Q. So then, with the exception of the burial
throughout the White Mountain National
Forest, the route had already been
determined.

A. (Widell) I believe that is the case, yes.

Q. All right. So I'm looking at Page 9 of your
prefiled in which you say that the NPT,
Northern Pass, evaluated the potential
historical resource impacts of alternative
routes early in the planning process. Route
selection of a preferred route was the
product of a deliberate process to minimize
the potential visual impacts of the Project,
minimize impacts to cultural resources, state
parks, conservation areas, trails and scenic
byways, all considerations in the route
selection process.

If the route had been determined before
you -- except for the White Mountain National
Forest area where it went underground -- if
it had been determined by the time you were
hired, fair to say you had no role in
advising Northern Pass as to the route for
the transmission line?

A. (Widell) That's correct. I didn't have any
role in the route of choice. That's correct.
Yes.

Q. So you didn't mean to imply by the statement
in your testimony that you were involved in
that process or that the route was the result
of your expert advice.

A. (Widell) I did not imply that.

Q. Okay. Thank you.

I just want to ask you a couple
questions about cultural landscapes.

Seems there's been questioning of you
earlier about whether your initial testimony,
your prefiled and your supplemental prefiled,
really spoke to cultural landscapes. I think
you suggested that you thought that it did.
I think it was Mr. Roth who suggested he
couldn't find that term. But I think you
agreed that cultural landscapes under the SEC
rule are or can be an historic site; is that
right?

A. (Widell) It's not precisely mentioned, but
obviously a historic site could include a
cultural landscape, yes.

Q. Yes. And the SEC rule does talk about areas
of the state, not just buildings.

A. (Widell) Hmm-hmm.

Q. So it would not be necessary, in your view,
that an area have an historic structure on it
in order to be an historic site.

A. (Widell) That's correct.

Q. So, for example, some of the iconic scenery
in New Hampshire, perhaps scenery that was
painted by famous painters like Frederic
Church or Thomas Cole, could be a cultural
landscape.

A. (Widell) Could be.

Q. And I'm going to ask you specifically. Have
you ever considered whether the North
Woods -- you know what I'm talking about when
I refer to the "North Woods of New
Hampshire"?


Q. Yes. In fact, that area is an area that's
outlined in the map that's attached to the
recent DHR letter, correct, as a study area?
A. (Widell) Yes, and -- yes.

Q. Yes. And I'm not asking you whether or not you agree that it is. But could it be --

A. (Widell) Yes.

Q. -- found to be a cultural landscape?

A. (Widell) Yes.

Q. The whole North Woods?

A. (Widell) The entire North Woods? The study area did not include the entire North Woods.

Q. Well, then, what did DHR outline in its study area?

A. (Widell) I would have to look at the letter. I can tell you where the three cultural landscapes were found in the Great North Woods.

Q. Well, beyond that, beyond the -- I'm familiar with the calling of, I think there were two areas. Beyond that, I'm talking about the area that's outlined on the map.

A. (Widell) They are Mount Prospect, Martin Meadow Pond cultural landscape, North Road, Lost Nation Road.

Q. Would it be -- aside from that, would it be wrong for someone like yourself with the
background that you have to look at the entire area as potentially a cultural landscape, given its importance to the history of New Hampshire, logging, fishing and so forth?

A. (Widell) Is it a potential to look at the entire Great North Woods?

Q. Yeah, potentially.

A. (Widell) Yes --

Q. Okay.

A. (Widell) -- and I believe that that is exactly what DHR was thinking with informed information from consulting parties to determine what the Great North Woods cultural landscape study area would be. And so Public Archeological Laboratories, which is one of the consultants to Northern Pass, very carefully applied the criteria and direction of DHR to look at where there were cultural landscapes in the Great North Woods. And as I said, they found two. I was wrong in saying a third because I thought the third one, which is on the next page, which is in the Upper Ammonoosuc area, would be -- it's
almost Great North Woods -- would be a third.

So there were cultural landscapes found.

Q. Yup. Given that this process is not

completed, if the Great North Woods were

found to be a cultural landscape as "the

Great North Woods," just hypothetically, I'm

not saying that it is or would be or will be,

hypothetically if it were, are you aware that

the Project calls for 32 miles of a new power

line corridor to be built through the Great

North Woods?

A. (Widell) Yes, I'm very familiar with that.

And that was taken into consideration to look

at the possible adverse effects on each and

every historic resource that was found in the

Area of Potential Effect in the Great North

Woods.

Q. Would you agree that, again,

hypothetically -- and you're an expert, so I

can ask you hypothetical questions -- if this

whole area were a cultural landscape,

wouldn't it be less adverse to the historic

site if the Project were buried through the

32 miles as opposed to the erection of
A. (Widell) Not necessarily. It would depend on whether you have an adverse effect being close to historic resources within the Area of Potential Effect.

Q. Well, if the Great North Woods were an historic resource, just like you praised in your testimony the burial of the Project through the White Mountain National Forest as "greatly diminishing, if not eliminating the adverse effects," wouldn't the same be true? And I'm not asking you to determine whether or not it's economically feasible or anything like that. Certainly burial of the line would be of less effect --

(Court Reporter interrupts.)

Q. Certainly burial of the line would be of less effect.

A. (Widell) It would eliminate above-ground visual adverse effects, yes.

Q. Great. Great. Thank you, Ms. Widell.

A. (Widell) Thank you.
CHAIRMAN HONIGBERG: Now, Ms. More.

MS. MORE: We have a technological exchange.

CHAIRMAN HONIGBERG: All right. Let's go off the record and get set up.

MS. MORE: Thank you.

(Pause in proceedings)

CHAIRMAN HONIGBERG: All right.

Ms. More, you may proceed.

MS. MORE: Thank you very much.

CROSS-EXAMINATION

BY MS. MORE:

Q. I want to thank both Ms. Widell and Dr. Bunker for being willing to listen to questions. I am speaking on behalf of the Weeks Lancaster Trust and Prospect Farm, LLC, which is owned by my cousin, both intervenors in this process. My questions are primarily for Ms. Widell. Dr. Bunker, I want to thank you for your patience.

MS. MORE: And with your permission, Mr. Honigberg, I'd like to have some images up while I'm talking so that -- and
I'll refer to them. They're all exhibits.

CHAIRMAN HONIGBERG: And they're going to be associated with questions --

MS. MORE: Absolutely.

CHAIRMAN HONIGBERG: -- for the witnesses.

MS. MORE: Correct. Absolutely.

CHAIRMAN HONIGBERG: All right.

Go ahead.

MS. MORE: They are relevant.

Thank you.

BY MS. MORE:

Q. So, anyway, to begin, I want to say, you stated in your team's analysis that for there to be an unreasonable adverse effect on Weeks State Park, that it would have to be significant enough to result in loss of its National Register status; is that correct?

A. (Widell) No, I'm not aware that we made that statement. Could you tell me where --

Q. It was in your Preservation Company's Appendix 18. But I wondered, could you explain where in 36 CFR 800.5 there is a reference to "loss of National Register
status" as an applicable standard?

A. (Widell) It wouldn't say "loss of National Register status" in 36 CFR, which of course is the criteria for determining adverse effect under Section 106.

Q. Right.

A. (Widell) It would talk about "loss of integrity," which would lead then to eventually removing it from the National Register of Historic Places.

So the understanding in looking at adverse effect and applying what would cause an adverse effect revolves entirely around the loss of integrity. And once a property has lost its integrity, most likely in that case, through demolition, then it would no longer be eligible for the National Register.

Q. Okay. So only demolition would result in an adverse effect on Weeks State Park.

A. (Widell) No, that's --

Q. Let's go on to my next question.

CHAIRMAN HONIGBERG: Whoa, whoa.

MS. MORE: That wasn't a question. That was just a statement.
CHAIRMAN HONIGBERG: Well, no, you don't get to do that right now. Now is not your turn to testify.

MS. MORE: Okay.

CHAIRMAN HONIGBERG: You can ask questions that lead her to answers. You can suggest to her things. But if you want to make statements like that, you have to allow her an opportunity to respond --

MS. MORE: Right.

CHAIRMAN HONIGBERG: -- or we're going to strike those statements.

MS. MORE: Okay.

CHAIRMAN HONIGBERG: Do you understand?

BY MS. MORE:

Q. Well, perhaps you'd clarify. Is demolition what would cause Weeks State Park to lose its National Register status?

A. (Widell) It may be, yes.

Q. Okay. Thank you.

The DHR, as everyone has mentioned, released a document describing this pending report by PAL on the broader New Hampshire
historic and cultural landscape. Would your statement, that a one-mile APE is appropriate with regard to determining adverse effect, change in the context of a 10-mile area of visual effect or a cultural landscape?

A. (Widell) No. The one-mile Area of Potential Effect was established in 2013 by the Department of Energy and the DHR as the area likely to have adverse effects to historic resources for the Northern Pass Project. That would not change with the identification of cultural landscapes.

Q. Okay. Thank you. Do you believe that the historic and architectural data gathered by your team and used by you for analysis provided a sound basis for the conclusions regarding the impact of Northern Pass on historic and cultural sites along the proposed route?

A. (Widell) Yes. But I would acknowledge that in your testimony, which I reviewed, you found some errors in the information that we found. We depended on the National Register nomination for Weeks Estate and the public
web sites that State Parks uses, which is where some of the information that I think you found was not accurate. So I wanted to --

Q. Would you clarify what some of those sources might have been?

A. (Widell) The sources were the --

Q. That could have --

(Court Reporter interrupts.)

Q. Yeah, I just --

CHAIRMAN HONIGBERG: Wait, wait, wait. If two people are talking --

MS. MORE: I understand.

CHAIRMAN HONIGBERG: -- nothing happens on the transcript. The transcript is unintelligible.

MS. MORE: Excuse me.

CHAIRMAN HONIGBERG: So you need to wait. Each of you needs to wait until --

MS. MORE: Thank you --

CHAIRMAN HONIGBERG: And you need to let me finish, too. Okay?

MS. MORE: Yeah.

CHAIRMAN HONIGBERG: Step away
from the microphone. Step back from the microphone for just a second. You need to wait until she's finished before you say anything more.

I've already talked to you, Ms. Widell. I'm not going to need to repeat that because I think you're trying.

Let's see if you can do this. You can questions. She gives answers. You ask another question. She gives another answer. Okay?

MS. MORE: Yeah. Thank you.

CHAIRMAN HONIGBERG: All right.

You may proceed.

BY MS. MORE:

Q. I just want to get an idea of where the sources were that had contributed to the errors. Forgive me.

A. (Widell) When I checked with the team, we talked about it, and it was the National Register nomination for the Weeks property and the web site of State Parks.

Q. Okay. Thank you.

So in that regard, however, there was
also data submitted on Prospect Farm, LINC 01. And so there are a few examples that I wanted to bring up because I wasn't aware that there had been any corrections made to the Weeks State Park materials. So, for example, it's a small detail, but it lists the son of the builder, James Brackett Weeks, as William Dennison Weeks; is that correct?

A. (Widell) I can't speak to that. It's what is used in our document.

Q. Right. So, for the record, it was not correct.

Secondly, Prospect Farm is described as having been, quote, remodeled in the late 19th Century and, quote, again at an unknown date in the 20th Century, with the result that the analysis is noted as "incomplete."

Why didn't your team consult with the property's owner, a descendant of the builder?

A. (Widell) We received our information regarding local information from the project area forms that were completed by the
Department of Energy to identify regional
history and historic resources that need to
be considered in evaluating historic
properties for this project.

Q. So would you say, therefore, perhaps that
project area form was incomplete in terms of
information?

A. (Widell) It may have been. I was not
involved in the creation of that material.
But we were dependent upon it as the
contextual statement that is developed by the
federal agency and submitted to the
department of -- Division of Historic
Resources.

Q. Right. So would you agree that, in a case
where the information was inaccurate, it
might have influenced, inadvertently perhaps,
the analysis that was subsequently done?

A. (Widell) No, because we were always very
conservative in assuming that a property was
eligible for the National Register even if
there had been some changes, as long as -- or
we didn't have a complete amount of
information, as long as there is sufficient
integrity and sufficient significance to be possibly eligible for the National Register.
So we were very comprehensive and very generous in our conservative approach. And I know that we certainly determined and assumed that Prospect Farm was eligible for the National Register.

Q. So in that context, the conclusion that the section on Significance with regard to National Register eligibility, the conclusion was that only its 1941 connection to Weeks State Park would have justified that eligibility.

My question is: Would it have changed your conclusion if your team's research had known that the remodeling was done by George P. Rowell and his Boston architect, J. Williams Beal?

May I just -- a few more kind of ancillary parts of that. Do you know, for example, or would your team have known if Rowell had any historic significance himself, or would they have known or made the connection between his architect and the work
that was done at the Percy Summer Club for
Rowell and his coterie of fishing friends,
would that have changed your conclusion?

CHAIRMAN HONIGBERG: Okay. Hang
on, hang on one second. Hang on.

MS. MORE: Yes.

CHAIRMAN HONIGBERG: Do you
understand the series of questions she's got?
She wants to know if you know about Rowell and
his associates; if you know Rowell was
involved, or if you had known Rowell was
involved, would that have changed your opinion.

Did I get that right?

MS. MORE: Absolutely. Thank
you. And I think Ms. Widell --

CHAIRMAN HONIGBERG: Let's let
her do it.

MS. MORE: Thank you.

A. (Widell) No, it would not have changed our
opinion because we already determined that it
was potentially eligible for the National
Register. And many properties are eligible
for a number of significance, as you heard.
There's Criteria A, B, C and D. It may be
for biography. So the relationship with him may have been very important for that property. But remember that whatever existed at the time he redid Prospect Farm has been completely demolished, or mostly demolished, there may be a little bit, and completely rebuilt in the 20th Century.

Q. All right.

A. (Widell) So that would not really cause a relationship of Rowell with that particular property.

I do remember that there was discussion that it was related to Percy Summer Club, that Rowell was -- at the time we were looking at that farm. Does that answer your question?

Q. Some, partially.

So in the second section, or Section B on National Register eligibility, on the section on Integrity, the analysis states that without its barn or historic land use pattern, the property does not convey its earlier agricultural association.

Would it have mattered if your team had
known that in fact the entire property is in
tact and that the property listed separately
as LINC 56 has been part of the Prospect Farm
since 1803?

A. (Widell) And we realize that we didn't
include the barn which was across the street.

And now, with the cultural landscape, that
has been incorporated in the understanding of
the property, and I believe that assessment
is more complete. And so, yes, the barn
would have led us to understand perhaps the
agricultural significance for the property,
not just architectural significance.

Q. You're aware -- are you aware that it's not
just the barn, that there are --

A. (Widell) Yes, there are other outbuildings.
But the barn is very significant when you're
determining agricultural significance. So I
point that out specifically.

Q. So, therefore, dividing the property into two
separate entries, was that an error?

A. (Widell) It must have been from parcelization
of some sort. We were always looking at the
parcelization associated with the property.
Q. Could you explain? I'm not clear on what you mean by "parcelization."

A. (Widell) The actual land associated with the historic property gotten from the tax maps of the local tax office.

Q. So the tax office -- so, even though those properties are owned by the same person and have been --

A. (Widell) I can't tell you any further than that.

Q. Okay. So it was a reliance on the tax map --

A. (Widell) Yeah.

Q. -- that led to that error. Thank you.

So, see if I get that. There we go. Would you agree that if the significance of an historic site such as Weeks State Park or Prospect Farm was its scenic view which extended for over 30 miles, then a one-mile APE might be inadequate to assess unreasonable adverse effect?

This map which, was commissioned by the Northern Pass, shows the area of visual impact. Where the word "VT" is, or the letters "VT" are, that defines the
northwestern edge of the area of visual impact. You can't see the line to the right-hand side, but you can see Weeks State Park is No. B. At least I hope you can see it. It's hard with the coloration of these bare earth maps. But it does indicate where the highest impacts are. And would you agree that Weeks State Park is in the middle of an area of major impact?

A. (Widell) Well, you've asked me two questions. First, I believe, was whether I thought it was appropriate to have a 30-mile bare earth --

Q. No. Forgive me. What I said was if the significance depended upon views which might extend as far as 30 miles, then would a one-mile APE be inadequate?

A. (Widell) No, a one-mile APE is what was established for this project by the federal agency and the Division of Historic Resources, and that is the correct one for assessing adverse effects on historic properties.

Q. Okay. Thank you.
With regard to your assessment of visual impact on a historic site, did you personally visit Mountain View Grand, Weeks State Park, Prospect Farm or the Percy Summer Club?

A. (Widell) Yeah. Well, the Percy Summer Club, from the public beach. And yes, I visited Weeks State Park several times, the Mountain View Grand at least a couple of times. Yes, the properties throughout our assessment form I have personally visited and made visual assessment and understood their significance in seeing them.

Q. Did you do -- what time of year was it? Was it leaf-on or leaf-off, or both?

A. (Widell) Both.

Q. Could you describe the material of the existing visible structures in the ROW, the transmission structures?

A. (Widell) The existing right-of-way structures in which -- in what area?

Q. Well, that would be visible from Weeks State Park.

A. (Widell) From what viewpoint?

Q. Well, there's --
A. (Widell) There's one on the east. It's very much --

Q. The east overlook, what are they composed of? Because we had a lot of discussion of the ROW. So I'm just curious. When you were there and you looked at those structures, did you notice what they were composed of, what they were made out of?

A. (Widell) I have the assessment form here. If I could refer to that, I will share that with you.

Q. Sure.

(Witness reviews document.)

A. (Widell) They will be replaced with monopoles in pairs, five or six pairs, and will be roughly 30 to 45 feet higher than the existing from the east view are the ones that I'm talking about. I believe the existing ones in the photographs show that they are H-frames.

Q. But what are they constructed of? If you could just -- you know, when you were up there and you were looking down at them -- the Commission visited a week or so ago, two
weeks ago, three weeks ago. I just want to clarify what --

A. (Widell) They're wood H-frames. Wood H-frames.

Q. So when we talked about or we heard about mitigation and so forth, do you think the appearance of those wooden frames would be different than a possibly 90-foot weathering metal structure?

A. (Widell) There would be differences, yes.

Q. Okay. Thank you.

With regard to the Mountain View Grand, a National Register site, did you by chance notice the cell tower located to its south?

A. (Widell) Yes, I did.

Q. And were you aware that the proposed towers will be directly behind it and of approximately the same height?

A. (Widell) No, that's not my understanding.

Q. Okay. Thank you.

I'm just curious. Why is the national -- since it is a National Register site, why isn't it included in Attachment B, your Attachment B listing of sites for
potential adverse effect, where Weeks State Park is? I'm just... is there a difference between them?

A. (Widell) You're asking me the difference between --

Q. Well, they're both --

(Court Reporter interrupts.)

MS. MORE: Sorry.

A. (Widell) You're asking me the difference between Mountain View Grand and Weeks State Park. Yes, there is a difference. The evaluation of Mountain View Grand indicated the tops of some structures from especially the higher levels of the Mountain View Grand; whereas, the Weeks State Park, the area that the Project is most likely to be visible is from the east overlook toward the Presidential Mountains in an existing right-of-way which has been there since, I believe, 1946. What would be visible is 12 to 19 structures and the conductors between them. But they are against a backdrop of forest. And so they are about a mile and -- 1.3 miles from the east overlook.
What is most visible in the change is what is still there now, but there will be some vegetation clearing, is the cut through the forest. Because the views from Mount Prospect are an important part of its significance, I determined that it does have an adverse effect because it does diminish the view. It is not a large change. They will not become a focal point. And in fact, in the photo simulations, what is likely to be most visible are the conductors themselves in late afternoon sun, probably in leaf off.

Q. Thank you. Are you aware that people do visit the park, all aspects of it, actually, early morning, late afternoon and year-round?

A. (Widell) Yes, although the first time I attempted to go to Mount Prospect, I will tell you that it was closed. There was snow on the ground and I couldn't get into it. But I am sure that people visit it all the time and it is a popular tourist place for New Hampshire.

Q. So, now, further question. So would you agree that the significance -- it sounds as
if you would -- the significance of Weeks State Park includes the architectural distinction of its rare for New Hampshire arts-and-crafts-style lodge, the carriage and carriage house, the views, the observation from the observation tower, the lodge, the overlooks, as well as the park's association with the Weeks Act of 1911 and the founding of the White Mountains National Forest in 1918?

A. (Widell) Yes.

Q. Okay. So, a few other questions. Do you think that the views from the lodge museum and observation tower provide the public benefit?

A. (Widell) I'm not an expert in that area. I am always a fan of historic properties that teach people about how significant these places are in our history and our architecture.

Q. Thank you.

So I believe you stated that as many as 12 towers would be visible from the east overlook; is that correct?
Q. Did you, by chance when you were visiting, look at the ROW coming from Cape Horn to Israel's River?

A. (Widell) I may have seen it. I can't say that I specifically can identify that in my mind's eye right now. There are a number of existing cuts, and there are a number of modern intrusions in the view. Fortunately they have not overwhelmed the view. I hope they don't. But there are a number of modern intrusions on all sides of Mount Prospect from I-93. And there is, I think maybe in Vermont, there's a sewerage plant that's visible.

Q. Well, forgive me. I was referring specifically to the right-of-way coming from Cape Horn south to --

A. (Widell) It may be --

Q. -- that direction.

Did your analysis take into consideration the fact that there are two parallel lines of structures in addition to the distribution poles?
A. (Widell) Yes. There will be five to six pairs of monopoles. And yes, that was taken into consideration in our assessment.

Q. Okay. And would it make a difference -- I believe that Counsel to the Public asked this, but I want to revisit it briefly -- to your estimation of unreasonable adverse effect if existing trees and vegetations were removed from the summit in an attempt to bring it closer to its 1913 appearance?

A. (Widell) I can't speak to that as far as it relates to determining an unreasonable adverse effect.

Q. Okay. This is a second image that is looking from Mount Washington. Go back to the first one. This is 1835. This is an Englishman who came to visit Mount Washington. And this one is in the New Hampshire Historical Society's collection.

My question is: Did you by chance look at Mount Prospect from any other vantage points and in context with the proposal, the proposed line? So, did you by any chance go to any other locations to see how it fit into...
the landscape with regard to the proposed transmission line?

A. (Widell) If it were in the background of a historic property that was within the APE which had visual significance as part of its significance, then we would have considered it, yes. I cannot give you a particular example.

Q. All right. Well, so in the case of this particular image, again in the New Hampshire Historical Society's collection, this is the site of the Waumbec Hotel very near it, and the Waumbec Cottages which are on the National Register. And the line would go from right to left, north to south. So I just wondered if you all had looked at classic examples of White Mountain art as part of your analysis.

A. (Widell) Once again, if it were a historic property that had that is as part of its visual context. And I know you have one in your supplemental testimony that was in our assessment form and then also was -- an inventory form was completed for DHR. I'm
Thank you. That's all right. So if I may go on. So I want to just press that just slightly and then just one other question.

This is an 1862 picture by a well-known African American artist. You know, did you look at any other examples of this period of 19th century art and views of the landscape?

A. (Widell) As I said, if it were a historic property that may have had these views, yes, we considered them. I can't speak precisely to this location.

Q. Okay. So, but the Waumbec Cottages, which are a National Register site that we saw in that last one, it might have been relevant there.

A. (Widell) I can't speak to that.

Q. Okay.

A. (Widell) This is the one.

Q. Finally, you stated that there is no unreasonable adverse impact on Weeks State Park because the Project would not cause it to lose its integrity and be removed from the National Register. There were other
characteristics or National Register criteria for adverse effect that could have been applied, and I wondered if you considered, for example, changes to characteristics or changes in the future.

A. (Widell) I first want to just correct something in your question, which is that I had determined that there was not an unreasonable adverse effect on Weeks State Park. I did not make that determination. I made a determination that there was an adverse effect to Weeks State Park as defined under Section 106.

Q. My understanding was -- this was Page 10 of your prefilled testimony, 23 and 25 lines -- that the only thing that would be of significance would be losing its National Register status. So I was curious as to were there some other National Register criteria you might have considered.

A. (Widell) In my written testimony, it is one of the reasons broadly that I found that the Project did not cause an unreasonable adverse effect on historic resources. And the point
that you are pointing out is the indirect adverse effects on Weeks State Park.

Were there other reasons why Weeks was significant? Was that the second part of your question? I'm sorry.

Q. Well, it had to do with this notion. So the only thing that I could determine that was of any significance was loss of National Register status. But I was curious as to if there are other characteristics, things like changes to characteristics or changes in the future. So I wondered about the fact, you know, if the line was visible. You said the forest is behind it. But in fact, Mount Prospect looks at Mount Washington and sees the entire Presidential Range, and the proposal is between the park and Mount Washington.

A. (Widell) Yes, and it is visible --

Q. This view.

A. (Widell) -- and it does diminish the view, and that's why it was stated. And I agree that it is an adverse effect. But it does not -- it's not a focal point. It does not
prevent you from seeing the Presidential
Range in that location.

MS. MORE: Thank you very much.

CHAIRMAN HONIGBERG: All right.

According to my list, I have the municipal
groups. Mr. Whitley or Ms. Pacik, I don't know
who's going first. Looks like Mr. Whitley.

MR. WHITLEY: One second to set
up?

CHAIRMAN HONIGBERG: Sure.

Let's go off the record while you set up.

(Pause in proceedings)

CHAIRMAN HONIGBERG: Mr.

Whitley, you may proceed.

MR. WHITLEY: Thank you, Mr.

Chair.

CROSS-EXAMINATION

BY MR. WHITLEY:

Q. Good afternoon or morning, Ms. Widell.

Afternoon. Yeah.

A. (Widell) Good afternoon, Mr. Whitley. I know
it's the afternoon.

Q. Good for you.

My name's Steven Whitley. I'm counsel
for several municipalities along the route: New Hampton, Deerfield, Pembroke, Littleton and the Water and Sewer Department of the Town of Ashland.

I'm going to ask you some general questions first. I believe we have a break coming up. And then I'm going to go into a little more detail about the resources in the town of Deerfield.

First, my understanding is that your opinion does not consider the impact of noise on a property's significance or integrity, does it?

A. (Widell) Noise would not normally be taken into consideration in significance and integrity. No, I -- no. It may be taken -- yeah.

Q. So you don't know, then, how many or which properties may have potential audible noise impacts from the construction or operation of the Project.

A. (Widell) Well, you just asked me something separate. Noise would be considered for effects. Noise would not be taken into
consideration for integrity or significance
of a historic property.

Q. Okay.

A. (Widell) So I'm not -- I'm just trying to
clarify that so that we can -- I can be
helpful to you.

Q. Well, let me rephrase my initial question
then. In doing the effects analysis for
properties, did you consider the impact of
audible noise on a resource?

A. (Widell) No.

Q. Okay. So, you don't have a sense, then, or
an estimate of which of the properties you
identified as being National Register-listed
or potentially eligible to be listed could be
impacted by audible noise.

A. (Widell) That's true at this point. But
there are effects tables being done for
underground, and that would be part of that
consideration.

Q. The audible noise of the underground portion?

A. (Widell) Hmm-hmm.

Q. You mean the construction, I presume?

A. (Widell) Yes.
Q. Okay. For the -- strike that.

Wouldn't you agree that potential impact
of audible noise is equally important to the
above-ground properties?

A. (Widell) Not in this project that I'm
familiar with, no.

Q. Okay. Aren't the construction-related
impacts of the Project, including noise, a
critical component of what the SEC has to
evaluate?

A. (Widell) I'm not familiar that they need to
evaluate that for historic properties. I
believe you were talking about noise related
to construction, and that would be temporary
and would not cause an adverse effect to
above-ground historic property.

Q. But I thought you said you didn't do that
analysis for any of the properties as part of
your effects tables.

A. (Widell) I did not. You asked me whether I
thought that it needed to be done. I believe
that was your question. Did I misunderstand
that?

Q. Maybe I'm not being very clear, so I'll back
up a second.

A. (Widell) Okay.

Q. And let me first say that my question was intended to cover not just construction, but also operation of the Project. So I want to give you a chance to change your answer if so, just to be clear.

A. (Widell) I did not take into consideration noise from operation of the Project.

Q. Okay. We've been over this a couple times today, so I'm going to try not to belabor this point too much. But I want to ask you about the unreasonable adverse impact analysis and the criteria that's part of the SEC rules, so just bear with me here.

You've stated a couple times previously that you didn't consider any specific property when doing an unreasonable adverse impact analysis; correct?

A. (Widell) Yes.

Q. Yet, you did examine specific properties for their potential inclusion into the APE; right?

A. (Widell) Yes, that is how you begin
determining which historic properties need to be considered.

Q. Okay. And you also considered specific properties for whether they had and to what degree they had significance and integrity; right?

A. (Widell) Yes. Hmm-hmm.

Q. And you also considered specific properties for whether the Project had an adverse effect. Your effects tables were to a specific property; correct?

A. (Widell) Yes.

Q. Okay. Then, all of a sudden there's this shift. And when it's time for the million-dollar question of whether the Project will have an unreasonable adverse impact, all of a sudden the scope changes and the specific property perspective is gone. And I believe your testimony is that you're looking at the Project as a whole; right?

A. (Widell) Yes.

Q. Surely you're aware that that sort of an approach is going to dilute any adverse impacts that you may find, to the point that
it's almost a foregone conclusion that you're going to give the Project your blessing and not find an unreasonable adverse impact.

Q. So let me --

A. (Widell) It wasn't even -- it wouldn't have been even close. The adverse effects on these historic properties are not profound.

Q. Well, I understand that they're not profound. And that kind of leads me to my next question on this. And Attorney Plouffe kind of did some questions along this line with his nominator and denominator questions.

So let's assume that -- back up for a second. You've identified six properties, I believe, that have an adverse effect.

A. (Widell) Yes.

Q. Okay. So let's assume that all six of those do indeed -- they have this adverse effect. I don't recall seeing or hearing you speak to what methodology you used to take those six properties and get to the point where you reached the conclusion that there was no unreasonable adverse effect. And I don't
believe you have -- I don't believe that's in
your testimony, and I don't believe that
you've testified to that.

A. (Widell) I disagree. I applied -- and I
repeated this. I won't repeat them again --
the criteria applied by the SEC. As you
know, there is no definition for
"unreasonable adverse effect" in the SEC
rules, so --

Q. I do. Are you referring to -- I don't mean
to cut you off. But just for time's sake,
are you referring Site 301.14(b)?

A. (Widell) Yes. And I have to also say,
because you referenced my testimony, on
Page 9 of my original testimony, at Line 13,
I explain -- the question is: "In your
opinion, will this project have an
unreasonable adverse effect on historic
sites? Please explain." And I go through
quite a number of reasons. Would you like me
to go over them now or --

Q. No, no.

A. (Widell) -- is it sufficient that it is in my
testimony at that place?
Q. No. Thank you for that. And I appreciate the citation to Site 301.14. That's kind of what I anticipated your response would be.

But your methodology and your analysis, it strikes me as something of a "I'll know it when I see it" rather than, you know, I'm going to take the numbers of properties that have an adverse effect, and if they reach a certain threshold, then that means that I conclude it's an unreasonable adverse effect." And I'm just curious if that's correct.

A. (Widell) No. If you look at Site 301.14(b), the SEC is directed to look at all of the sites. So you're looking at all of the historic properties that were found and identified. And we know that universe at this point from DHR. There are seven or eight being submitted almost as we speak. So we know all of the historic sites, all of the archeological resources potentially affected. And then any potential adverse effects by going through that very carefully, property by property, applying the 36 CFR definition
of "adverse effect," we have a pretty good --
a very good, very thoughtful idea of how many
adverse effects are on those resources and
then the number and significance of the
adversely affected historic sites. So we're
looking at, in my list of six, they're not
just individual properties. They include the
North Road Agricultural District, which has
over a hundred properties in it, and then
also Weeks State Park, which is an entirely
different kind of property, and then Maple
View Farm, which is an individual farm. So
that is what that is referring to.

Q. And I understand your answer. And I put up
on the screen there, I don't know if you saw
it or not --

A. (Widell) It's on a different screen, but
that's okay. I get to move.

Q. Sorry. I put up there Site 301.14(b), which
you see towards the bottom half.

A. (Widell) Yes.

Q. And that's what you were just reading from;
correct?

A. (Widell) No. I'm sorry. That's not what I
was referring to. Oh, at the bottom.

Q. At the bottom.

A. (Widell) I'm sorry. Yes, it was. Thank you.

Q. Okay. And my question is: In looking at that SEC regulation, I don't see any -- you're right. You read it correctly. I mean, those words are in there. But I don't see anything in there that tells you to, for instance, take those six properties and do sort of a mathematical calculation like Attorney Plouffe was talking about, where you have six in the numerator and then you have all the other historic resources you found in the denominator, and when you do that calculation, if it's above a certain number, then you have an unreasonable adverse effect. I don't see that in there. And so that means --

A. (Widell) I did not do that.

Q. Well, that means you had to fill in the blank and figure out how to make that sort of a judgment call. And that's what I don't see in your testimony or hear in your testimony today is how you did that methodology or how
you would have done that calculation.

A. (Widell) I didn't use a mathematical calculation to determine this. That's why I was a history major. But in my testimony I identify, I enumerate a number of the reasons of why and how I came to my determination as a professional in this field, many, many years looking at these sorts of things where you identify, assess and minimize, mitigate, that this is not an unreasonable adverse effect for a project of this size.

Q. I understand that's your ultimate conclusion. And maybe the way to get at it is to say, other than what you've referenced in your original testimony, I believe you said Page 9, starting at Line 13 --

A. (Widell) Yes, that --

Q. -- that that's the sole reference that you can think of, sitting here today, where you speak to this question.

A. (Widell) That's the primary one for sure, yes.

Q. Okay. All right. I want to turn now to one of the resources in the town of Deerfield,
and this is 47 Candia Road. If you give me just one second here, I'll pull up...

All right. What I've got here is the inventory form for that property on the screen there. Do you see that?

A. (Widell) Yes.

MR. WHITLEY: And just for the record, on the top of this exhibit which is going to be marked as Joint Muni 264, but we haven't done that yet, but we will do that, there's "Confidential - Subject to Motion for Protective Treatment." It's my understanding, due to prior conversations, that it's okay for us to proceed in the open here, that we don't need to go into confidential session to ask questions about these documents.

CHAIRMAN HONIGBERG: Mr. Walker, you're nodding your head.

MR. WALKER: Yes, that's fine.

CHAIRMAN HONIGBERG: All right.

Mr. Whitley, you may proceed.

MR. WHITLEY: Thank you.

BY MR. WHITLEY:

Q. I'm going to turn now, Ms. Widell, to Page 12
of 27. And you see there the Statement of Integrity?

A. (Widell) Yes.

Q. And I just want to have you look at the two highlighted portions there. So the first one says that the property retains integrity of location, design, setting, materials, workmanship, feeling and association; right?

A. (Widell) Yes.

Q. And I'm trying to read slowly. And then the second highlighted section there at the bottom says, "The property conveys the historic associations of the farm as a mixed agricultural family farm. Though the property has not been in use as a farm since the 1970s, it retains many historic features and land use patterns, including open fields, stone walls, granite fence posts and wooded areas." Do you see that?

A. (Widell) Yes.

Q. Now I want to turn to the effects table for this property. And this will be marked as Joint Muni 265. And again it has the same header which we are going to not worry about.
But you see that on your screen there?

A. (Widell) Yes. The effects table is actually nine pages long.

Q. It is.

A. (Widell) So are we going to be able to look at all of that?

Q. Well, okay. So, on the effects table here, we're going to go to Page 3. And if you have a hard copy there --

A. (Widell) I do.

Q. Yeah. And this is the portion of the effects table that describes the relationship of the Project to this particular resource; right?

A. (Widell) Yes.

Q. You see in those two highlighted sections that the line runs north of the Deerfield historic center along a rise and crosses North Road, and it ranges in distance from .9 miles to over 1.1 miles away. Do you see that?

A. (Widell) Yes.

Q. And then the next little section talks about the types of structures. There's going to be towers ranging in height from 115 feet to
140 feet -- excuse me. One existing 115 line
is going to be relocated to some new monopole
structures, 83-1/2 to 101-1/2 feet --
A. (Widell) Yes.
Q. -- and an existing line along the north side
is supported on a monopole which ranges from
73 to roughly 88 feet; right?
A. (Widell) Yes.
Q. Okay.
A. (Widell) This is obviously in an existing
corridor, and the description of the existing
is at another location.
Q. Yes.
A. (Widell) So I just want to reiterate that
these are --
Q. I know. And you'll -- I promise you that if
there are things you need to say when we're
one with the questioning --
A. (Widell) Thank you.
Q. -- you'll have an opportunity to do that.
A. (Widell) Okay. Thank you.
Q. So, on to the next page, which is Page 4.
We're looking at the adverse effect
evaluation. And I've highlighted a couple
segments there. But if you're flipping, tell me when you're there.

A. (Widell) I'm there. Thank you.

Q. Okay. So that first highlighted sentence says that the views of the Project are only going to occur from the fields north and east of the barn and that the views will be limited to the tops of the structures in the distance, and that's due to mature vegetation around the perimeter of the field and the topography. Then it finally says vegetation around the perimeter makes it so there are no panoramic views.

A. (Widell) Yes.

Q. See all that?

A. (Widell) Hmm-hmm.

Q. And then there's the ultimate conclusion reached regarding no adverse effects, and that is that the limited views of the Project would not noticeably alter or diminish aspects of the historic setting and landscape that contribute to the significance of the property. Do you see that?

A. (Widell) Yes.
Q. Okay. And did you prepare this form, or was it one of the contractors?

A. (Widell) This was done by Preservation Company and myself. I participated in the completion of all of the effects tables and reviewed them.

Q. Okay.

A. (Widell) In addition --

Q. Am I correct that the wooded fields and vegetative screening is the primary reason for the conclusion that there's going to be no adverse effect here?

A. (Widell) No. There's also distance involved. There are no panoramic views of the Project itself.

Q. But the panoramic views are -- there are no panoramic views due to vegetative screening in the woods; right?

A. (Widell) Yes, that's correct.

Q. So it's distance and then vegetative screening or the wooded fields.

A. (Widell) And another thing which I think is very important to understand when you're looking at determining visual adverse effects
to a historic property, on this effects table
there's discussion of significance and also
integrity. And so, would seeing the very
tops of the structures which are contrasted
against the woods cause you not to understand
the significance of this property? It's an
18th Century house. It's been well cared
for. The English barns, the door yard, the
barn yard, the other vegetation that is
there, would that cause an adverse effect on
that historic property to the point where it
would diminish what makes it eligible for the
National Register?
Q. And I understand that. And I think that
you've testified to that several times in the
last couple days. So I'm going to try to
keep us on track so that we can --
A. (Widell) Okay. I'm sorry. But it's not just
whether you can see it. And that's really an
important --
Q. I understand. I understand that's your
opinion.
A. (Widell) Thank you.
Q. But let me ask the questions and then you can
answer them. Okay?

A. (Widell) Thank you.

Q. Okay. So on the next page here is a map which gives us some orientation about what we're looking at. And the property in question is outlined in yellow. And then the purple line is the Project corridor; correct?

A. (Widell) Yes.

Q. And as the previous page or pages describe, the views of the Project are limited to that little, I guess that's kind of a trapezoid, on the right-hand side of the property boundary; right?

A. (Widell) Yes.

Q. And then there's a road that intersects. And on the western side is the farmhouse and on the eastern side is an old barn; correct?

A. (Widell) Yes.

Q. And then there's a bird's-eye view here on Page 9. And this is just kind of a blow-up of what I was just describing.

A. (Widell) Hmm-hmm.

Q. That's a "Yes"; correct?

A. (Widell) Yes.
Q. Just for the stenographer.

So the trees along the north side of the field there, those are the ones that were mentioned previously as blocking the views from the farmhouse and certain areas near the barn --

A. (Widell) Yes.

Q. -- is that correct?

I'm going to put up now what's going to be marked as Joint Muni 266. And this is a letter recently submitted to the SEC, and this is from the owners of 47 Candia Road.

Are you familiar with this letter?

A. (Widell) I am.

Q. Okay. Fair to say that they disagree with your conclusions about visibility and impact on their property? Yes?

A. (Widell) Yes.

Q. If you look at that introductory paragraph there, the highlighted section, they dispute that there are -- and I'm paraphrasing here -- they dispute that there are limited views that would not alter and diminish aspects of the setting and landscape; rather,
they contend that there are prominent views
of multiple towers in the Project corridor
that will permanently and irreparably alter
the historic setting and landscape of the
property and its connection to Deerfield
Center. Do you see that?

A. (Widell) Yes.

Q. And then later in the letter they go through
some of the reasons why they feel that way.
And the first one is, and that's in
Paragraph 1 of the letter there, that there's
a heavy reliance on foliage screening the
property in the effects table. And the
owners here make the point that leaf-off
occurs six months out of the year, and in
those conditions they can clearly see the
historic Deerfield Community Church steeple.
And that's from most of the barn field as
well. And they point out that the elevation
of the corridor behind the church is actually
higher than the church, and the Project
towers will extend more than twice the height
of the steeple that's visible from the
property. You see that?
A. (Widell) I see the statement, yes.

Q. Okay. And do you have any reason to disagree with the duration of time that the leaves are off or the impact that leave-off conditions will have on the visibility?

A. (Widell) Our effects evaluation was done leaf-on and leaf-off. I would not say that our evaluation is totally dependent on vegetation. The property -- the corridor is .9 of a mile to 1.1 of a mile away from the property. And this is visibility not from the buildings or the barns or the barnyard. This is visibility from -- that we said where there's limited visibility within the fields. I think that's very important. So it is -- you're not going to see the structure in public views of the property and public views of the barn. The limited views are from the field behind the property on the north side.

Q. I'm going to move on to Paragraph 4 of this letter, which is -- and I'm just scrolling down the page here. And in this paragraph they're speaking about the vegetation around the field. And the owners point out that the
trees at the perimeter are not owned by them, that they're actually on an adjoining parcel. And there's no guaranty that those trees are going to be there tomorrow, two months, five years, ten years down the line. And assuming those trees are gone, there will be a significant visual impact on their property.

A. (Widell) I can't speak to that because we didn't do an evaluation without the trees being there.

Q. Okay. You don't have any reason to dispute their contention that those trees are on someone else's property.

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

Q. Okay. The fifth paragraph talks about some ash trees lining the road. And I'm going to flip back and just orient us on what they're referring to. And my understanding is what they're referring to is a line of ash trees along the road here. Is that your understanding of what they're referring to as well, Ms. Widell?

A. (Widell) I don't know precisely. But I'm assuming that, given the familiarity I have
with the property.

Q. Okay. Do you see the picture I have on the
screen here? I don't know if you saw that.

A. (Widell) Yes, and that is on Page 9 of the
effects table.

Q. Correct. On Page 9 of the effects table,
which was going to be Joint Muni 265.

So, going back to the letter now, the
ash trees lining the road, the owners state
that they're not in good health and they're
being damaged by emerald ash borer and are
likely to die. And when that happens,
they're going to have a clear view from parts
of the farmhouse across the field towards the
center, and the towers are going to be
visible. Do you have any reason to dispute
the health of the trees or the impact it may
have when they're gone?

A. (Widell) I cannot speak to the health of the
trees.

Q. Do you have any reason to dispute what the
lack of those trees, how that will influence
the visibility of the Project?

A. (Widell) No, not without doing another
Q. Okay. Thank you.

MR. IACOPINO: Mr. Whitley, did you mark this letter?

MR. WHITLEY: No, it's --

MR. IACOPINO: This was a public comment letter that came in?

MR. WHITLEY: It was a public comment letter that came in. Yes, it was. And it's going to be marked as Joint Muni 266.

CHAIRMAN HONIGBERG: How much more do you have?

MR. WHITLEY: I'll be at a stopping place in two minutes.

BY MR. WHITLEY:

Q. I notice, Ms. Widell, that the inventory form and the effects table, there's no pictures anywhere looking towards the Project. There are pictures of the structures, and there are pictures of some of the features in and among the property, but there are no pictures looking at the northern part of the field and seeing that vegetative screen anywhere.

A. (Widell) I believe Photo 2 is in the
Q. You're looking at the inventory form?
A. (Widell) No, I'm looking at Page 8 of the effects table. That's the field that is north of the barn.
Q. Ms. Widell, if you look at Page 5, this is the diagram that shows the pictures and what direction they're in. If you see Picture 2, it's actually due east, and it's not towards the Project corridor; isn't that correct?
(Witness reviews document.)
A. (Widell) It certainly appears that way on that piece of paper, yeah.
Q. So, again, there doesn't appear to be any pictures in the inventory or the effects table looking towards the Project corridor, does there?
A. (Widell) I can't speak to that without looking at it more carefully.
Q. Okay.

MR. WHITLEY: This would be a good time for a break, Mr. Chairman.

CHAIRMAN HONIGBERG: All right.
We'll break for 15 minutes.

(Recess taken at 2:48 p.m., and the
hearing resumed at 3:07 p.m.)

CHAIRMAN HONIGBERG: Mr.

Whitley, you may continue.

MR. WHITLEY: Thank you, Mr.

Chairman.

Could I get the Apple TV back
up, Dawn?

BY MR. WHITLEY:

Q. Hello again, Ms. Widell.

A. (Widell) Hello.

Q. I want to turn now -- is your screen working
now?

A. (Widell) Yes. It's showing a ski slope.

Q. That's right, that's right, which we're
unfortunately not going to talk about.

So I wanted to turn now to the Deerfield
Center. And bear with me here. So what I've
put up here is Counsel for the Public
Exhibit 438. And this is the effects table
for Deerfield Center. Do you see that?

A. (Widell) Yes.

Q. Okay. And we've talked about this a couple
of times in the last couple days, so I'm fairly certain you're familiar with this; right?

A. (Widell) Yes, I am.

Q. Okay. Your ultimate conclusion was that there was no adverse effect from the Project on this resource.

A. Yes.

Q. Can you say that again? I didn't hear you.

A. (Widell) Yes.

Q. All right. Let's look through the portions of this effects table. We're first going to go to Page 3. And this is the description of the property, and I've highlighted here two statements which appear to contradict each other. The first one says that Upham Drive, the existing transmission line is very visible from the center of the district through the opening of that road. And then the next highlighted portion says rear portions of other lots have grown up to woods and have therefore been excluded because they're not visually connected. "For this reason, there are no significant views from
the district to the setting outside of the
district." So I don't understand how you can
have it both ways. You were saying just
earlier that you have a clear view outside
the district, and then the next sentence you
said there are no views outside the district.
So that's confusing to me. I don't
understand how you can have both things.

A. (Widell) Let me explain. The Deerfield
Center Historic District was placed on the
National Register in 1980. And the
discussion of the rear portion of lots that
is in the paragraph right before 2 on what
you're indicating is a description of the
setting of the Deerfield Center Historic
District at the time it was placed on the
National Register. Obviously there have been
changes since 1980 and all the places that we
list. And that's the case, too, of
Deerfield. There was, in 2003, a new road, a
short, new road called Upham Drive that was
put into the historic district. And it leads
to Sherburne Woods, which is a new elderly
housing project and --
Q. I understand that the listing predated Upham Drive coming into existence. And I understand that at the time this quotation from the National Register would then make perfect sense. But the following sentence, there's that statement from the National Register which is in quotations, and then there's a new sentence that says, "For this reason, there are no significant views from the district to the setting outside of the district." And that sentence is not in quotations, and I don't read that as being part of the initial National Register nomination in 2002. So, again, I don't understand how both of those can be correct, because just previously there's a statement that you can see outside the district from Upham Drive.

A. (Widell) Let me help you understand. So in establishing and discussing in a National Register nomination -- in this case, the setting for Deerfield Center Historic District -- it was important to talk about the fact that views outside of the district
from the rear portions were not significant. That's what they are establishing in the quoted area of the National Register nomination. And the statement behind it is just confirming that. "For this reason, there are no significant views from the district to the setting outside of the district."

Q. So the view down Upham Drive looking at the existing transmission line is not deemed to be a significant view?

A. (Widell) That's correct. We would call that a "modern intrusion." And it's very important to understand that when you have a modern intrusion within a view from a historic resource, that you've already got -- basically, you've affected the historic view and the setting and the feeling and the association. So --

Q. And I'm going to ask you about that in a second. I don't mean to interrupt. But I just want to get through these questions in a timely way. So you'll have an opportunity to speak to that in a second.
I want to turn now to Page 4. And this just talks about, again, the relationship of the Project to the property. And you see that highlighted portion there?

A. (Widell) Yes.

Q. That talks about just the proximity of the corridor to the western-most boundary of the district and also the proximity to the closest structure. And it says it's .03 to the -- from the nearest boundary to the corridor and .09 from the most northwesterly structure, which is the Deerfield Community Church; right?

A. (Widell) Yes.

Q. And I did some math, which tends to be problematic. But I mean .03 miles is about 160 feet, a little less than 160 feet.

A. (Widell) Hmm-hmm.

Q. And .09 miles, 470, 480 feet, give or take. Would you accept that?

A. (Widell) Yes. Hmm-hmm.

Q. So a little further down on the page here is when we start getting into the adverse effect evaluation. And the first highlighted
sentence there, I'll just read it real quick.

"The significant views of the historic district are the public views of the buildings in relation to the historic setting, which are village lots with buildings facing inward towards each other and the road." And to me, that suggests an extremely narrow standard for evaluating adverse effects, and it suggests that we're to ignore anything in the viewshed that is outside the district, no matter how visible it is. Is that a fair statement?

A. (Widell) No. As was just stated and taken directly from the Deerfield Center Historic District, it was established in the National Register nomination: The views outside of the setting of the Deerfield Center Historic District were not deemed significant.

Q. I'll pose the question again maybe another way. I understand your answer, but the kind of logical endpoint of that is there is nothing that can happen outside of the district that might be visible from within the district that could result in an adverse
visual impact. Is that --

A. (Widell) No, I would disagree with that. Obviously, we did a full assessment of visual impact of the visibility of structures that are outside of the Deerfield Center Historic District.

What this is establishing is that views from the rear portions of those houses are not character-defining features which contribute to the significance of the Deerfield Center Historic District. And that's important in determining whether there is an adverse effect.

Q. Okay. I want to walk now through the rest of the description or the analysis that's in this effect evaluation, because when I read this, it stuck out to me the great care that was taken to try to minimize the extent of the impact in the way it was described. And so I've highlighted, you know, just the way that this form was put together, and I'm just going to touch on these very briefly.

Starting at the top, and this is Page 5, "...Project will not visible throughout the
District... not be visible in the majority of views... nor will it be prominently visible in the main public views... possibility of a brief view... will not dominate the view..."

    Next paragraph, "...will be visible in some views..." and then "...the possibility of a view..." And then going down a couple paragraphs, there's "...the possibility of a view of a portion of the same structure..."

And then towards the end here, "the occasional views represent a small percentage of multiple public views... on the whole... views from scattered locations... similar to the current isolated and filtered views...

Largely in views that are not character-defining. The existing occasional views..."

    And then at the end, and this is the concluding paragraph, "As a whole, several isolated views..." And again, the same sort of language, "occasional view... main public views... isolated views..." And then the last sentence is that there's not going to be any impact that would alter the
characteristics in a manner that would
diminish its integrity or ability to convey
significance.

And again, it struck me that there was
great effort taken to try to minimize to the
reader how prominent and what a large impact
the Project is going to have on this
resource. And I'm sure that you don't agree
with that.

MR. WALKER: Objection. Is
there a question?

CHAIRMAN HONIGBERG: Not yet.

BY MR. WHITLEY:

Q. Do you agree with that?
A. (Widell) No. I think that it points to the
care within which we made the assessment, and
in each of these effects tables, of what the
views are, what the significance of the
historical resource is, and what the
classic-defining features of it and the
setting are. So that's what you are looking
at here is going through all those different
things that contribute to your final decision
as to what an adverse effect is on historic
property.

Q. We're going to walk through some of the pictures in a second. But, you know, I take it from just the portions that I read that you would agree there are views of the Project from within the district; correct?

A. (Widell) Yes.

Q. I'm sorry?

A. (Widell) Yes.

Q. And they have some impact, but maybe not an adverse impact in your opinion.

A. (Widell) Yes, there is an effect, but I do not believe it is an adverse effect.

Q. Okay. Well, let's look at some of the pictures. So we're going to start with the following page. And just to orient ourselves, the yellow -- this is Page 6 -- the yellow boundary is the boundary of the district, and as before, the purple line is the corridor; is that correct?

A. (Widell) Yes.

Q. And the structure that was mentioned in that analysis as being in a lot of the views where the Project is visible is in the upper left
of this diagram, right here where the No. 4 photo was taken; correct?

A. (Widell) The structure would be located within the corridor close to where the corridor crosses Church --

Q. I'm sorry. I said structure. I meant the building within the district, not a tower structure.

A. (Widell) The building within the district that --

Q. I'll say it again.

A. (Widell) Thanks. I want to make -- okay.

Q. I didn't mean to confuse you.

So we've got the boundary of the district here in yellow. In that analysis, the adverse effect analysis that I just read selective phrases from, there was some reference to there being a view of the Project. And what I'm asking you to confirm is that that view was largely near the building within the district that is in the upper left of the district.

A. (Widell) Yes. It is called the Deerfield Community Church.
Q. Thank you. And that is the measuring point that was referenced earlier as saying it was 475 feet from the corridor.

A. (Widell) Yes.

Q. Okay. Go now to -- and I hope that's on your screen, Ms. Widell.

A. (Widell) Yes, it is.

Q. Okay. Thank you. This is the photo sim that the Applicant's expert created -- and that's Mr. DeWan. And you see there that the tower in question that I just described -- well, first of all, the building there is the Deerfield Community Church; correct?

A. (Widell) Yes.

Q. And then the Project tower is going to be where that black arrow is; right?

A. (Widell) Yes, in this photo simulation.

Q. Okay. And there's language below the picture that the tower is going to be largely screened even in leaf-off conditions. And then there's another statement that this is a view that one would see when driving through the district; right?

A. (Widell) Yes.
Q. Both of those statements are only true, though, if you don't really move any further down the street; right?

A. (Widell) No, not exactly.

Q. Well, say, for instance, we moved to -- you see the car there down the street? I don't know what distance that is, but, you know, it's probably more than 10 or 20 feet. So you're saying if you move all the way to that car, that that tower is still going to be obscured by those trees?

A. (Widell) I don't have a photo simulation of that view. But no, you would see the structure that is there. It would not -- slightly in your mind's eye. But, yeah, you would see it in that area.

Q. Okay. So there's at some point from where this picture was taken where you move, and I believe that's a westerly direction on the road, where the trees there are no longer screening that tower; correct?

A. (Widell) Yes, but the tower is further out when you're --

Q. I know, I know --
A. (Widell) That's why I say it's not accurate
to determine precisely what you would see
without a photo simulation.

Q. So the trees, then, only screen the view of
the tower from particular locations or for a
fairly short, finite amount of time within
the district.

A. (Widell) Yes.

Q. Okay. I want to go to a different photo now,
and this is one by Counsel for the Public's
expert, Mr. Boyle. I guess it's not Mr.
Boyle, but that's the name of the company.

And you see this is from a slightly different
perspective. But the steeple on the building
right there, that's the same building we were
just looking at; right?

A. (Widell) Yes.

Q. And that tower where the black arrow is,
that's the same structure; correct?

A. (Widell) Yes, it is.

Q. Okay. And this is a much different view
because the Boyle Company chose it to show a
location that does not perhaps artificially
diminish the magnitude of the view; correct?
A. (Widell) I can't say that it was chosen for that reason. This view is from the front of the old Deerfield Town Hall.

Q. But you would agree that the tower or the Project is much more clearly visible from this vantage point than the one that Mr. DeWan chose.

A. (Widell) It is more visible because it is not behind vegetation, yes.

Q. Okay. Thank you. The text that's below this picture admits there's going to be a new structure, and that's the one that's pictured of 130 feet that's going to be above the roof line and the trees, and quite prominent because it's going to be silhouetted against the sky; isn't that correct?

A. (Widell) It will be silhouetted against the sky, yes.

Q. And the height that I stated is correct as well, 130 feet --

A. (Widell) Yes.

Q. -- above the roof line and the trees, or will be?

A. (Widell) Yes, it is above the roof line.
Yes.

Q. And I believe what the text says is that roughly one-third will be above the roof line and the trees. And again I'm doing the math. But a third of 130 is roughly 43 feet. Would you accept that?

A. (Widell) A third of 130 is 43 feet, yes.

Q. So that's like having a typical wooden utility pole rising up into the sky from the tree line and the roof line; right?

A. (Widell) Yes, it is like a typical utility pole being seen in a view of a historic district.

Q. And the text states that this is not a view that will be present throughout the district, but then it says that it is largely viewable from that particular perspective and location; right?

A. (Widell) Yes.

Q. But it's more than that particular location, because as long as you're not viewing that tower from the position that Mr. DeWan was in, you're likely to have a view of that tower; correct?
A. (Widell) No, not exactly. Certainly in that portion of the historic district. But moving east, of course, you would not. And when you also move north it is not as visible. I have spent a great deal of time walking through that historic district to do this assessment.

Q. Okay. I want to go on to the next picture. And this is the Forest Society's expert, Mr. Dodson. And you see this is the same building we've been talking about, the Deerfield Community Center.

A. (Widell) Yes.

Q. And the structure there is the same one we've been talking about; correct?

A. (Widell) Yes. I think you can see that in the paragraph below it that there are some inaccuracies, and it related to the wires or --

Q. I know, Ms. Widell. I didn't ask you a question about that. You will have an opportunity to add that sort of commentary later on today, okay.

The tower of the Project is not screened from where this picture is taken, is it?
A. (Widell) No, it is not.

Q. And just like the other one, it's above the tree line and it's silhouetted by the sky; correct?

A. (Widell) Yes.

Q. I want to go now to some of the work that the Boyle Company did on visual impact assessment. So this is from Counsel for the Public's 138. And it is Appendix F to the prefened testimony of T.J. Boyle & Associates. And this is the visual impact analysis for Deerfield Center. Have you reviewed this before?

A. (Widell) No, I did not do any visual impact analysis. I only did assessment of adverse effects to historic properties.

Q. No, I understand that. So that was a "No" then; correct?

A. (Widell) Yes, that was a "No."

Q. Okay. I'll give you a second to read what's highlighted there. Let me know -- actually, it's fairly -- I'll just read it.

"Impacts to this resource were considered unreasonable due to the height and
industrial character of the proposed
structure when compared with the existing
character of the town center. Although
switching to a steel structure helps to
reduce the impact, ultimately the height of
the line needs to be lower to avoid
visibility from this resource." Do you see
that?

A. (Widell) Yes.

Q. And following this there are some pictures I
want to put before you. So this just shows
where the pictures we're about to see were
taken from. And I can blow this up, Ms.
Widell, just so you can see it a little
clearer on kind of the satellite map here.

But do you see the yellow dot?

A. (Widell) Yes.

Q. Okay. So that is roughly maybe where
Mr. DeWan's picture was taken from?

A. (Widell) No, I do not believe it was taken
from that location.

Q. Okay. So this is -- I believe you're
correct. That's not what Mr. DeWan -- this
is the existing or the current condition
photograph. And this is Viewpoint DE-2 --
oh, where is it -- 2B. And again, there's
the Deerfield Community Center. You see that
there in the photo?
A. (Widell) Yes.
Q. Okay. And now we're looking at DE-2E. And
as we saw before, this is a visual simulation
that shows the Project rising above the tree
line right next to the steeple. Do you see
that?
A. (Widell) I see it. I wouldn't characterize
it as "right next to the steeple," but yes, I
see what you're showing me here.
Q. Okay. And it's silhouetted by the sky;
correct?
A. (Widell) Yes.
Q. That's a much more intrusive view than the
current project corridor; is it not?
A. (Widell) Its structure is more visible than
the existing project -- existing corridor.
Q. I'm going to turn now to Mr. Boyle's -- or TJ
Boyle & Associates, their supplemental
testimony. And this is their resource
evaluation. And this is Counsel for the
Public 139, and it's Appendix F to that exhibit. And we're going to be looking at a couple pages here, F-89 through 91, for the record.

Have you seen this document before, Ms. Widell?

A. (Widell) No, I have not.

Q. Okay. There's a narrative description at the beginning, and I just wanted to point out to you some of the highlighted text here. It starts out by saying that Old Center Road South, which is also referred to as Church Street, is a state-designated scenic byway. Were you aware of that?

A. (Widell) No.

Q. And then it goes on to talk about expectations of a typical viewer. And it says, "Visitors, particularly those interested in New England quaintness, will place a very high value on the historic visual integrity. The introduction of very tall steel monopole structures undermines this expectation." Do you see that?

A. (Widell).
Q. That's the next highlighted section on the screen there.

A. (Widell) Yes.

Q. Then the one below that says, "The visual integrity of the historic district will be eroded, which in turn will change the sense of place and diminish their enjoyment and pride." Do you see that?

A. (Widell) Yes.

Q. Turn to the following page now that continues. There's a location -- this is the top of the page highlighted again. "There's a location as one leaves the Deerfield Town Hall with a clear view of one weathered steel pole structure in co-dominance with the Deerfield Community Church. It is this contrast which degrades the visual integrity of the historic district and its sense of place." Do you see that?

A. (Widell) Yes, I see it.

Q. And now to the following page, which is F-90, it goes on to state, "It is culturally important and sensitive to visual intrusion or delegation from an industrial facility
that is insensitive to the community's values and sense of place." Do you see that?

A. (Widell) Yes.

Q. And that sentence is describing the scenic quality which is derived from the visual integrity of the historic architecture.

And the next highlighted section is, "The district's significance is increased because it overlaps with other scenic resources," and then it names the scenic byway as one of those. Do you see that?

A. (Widell) Yes.

Q. Wouldn't you agree, in a general sense, that the Deerfield Historic District is sensitive to a visual intrusion from an industrial-type facility?

A. (Widell) No, I wouldn't agree. At the time that the Deerfield Historic District Center was nominated to the National Register, and in fact it states in the National Register, and is very visibly present even in the views from T.J. Boyle, that there's typical wooden utility poles that run along the southerly side of the street, and conductors that are
very visible within the setting of the
historic district and in views of the
historic buildings. Now, these are not
typical -- and we have an opportunity to look
at your photographs again -- just single
telephone or light poles, but these are
rather substantial with an arm that extends
over and is visible within the T.J. Boyle.
There are actually five that are quite
visible from the front of the Deerfield Town
Hall.

And so Deerfield has an existing modern
intrusion which distracts from views within
the district in certain portions. It is a
very important district. It has some very
important architecture. And as a property
listed on the National Register, it is of
value and importance to Deerfield and the
State of New Hampshire, but --

Q. I understand all that. I understand all
that. And we're going to get to the typical
telephone poles in a second, so just bear
with me.

And lastly here, T.J. Boyle states in
the highlighted portion, "Impacts to the
historic district are considered unreasonable
due to the height and industrial character of
the proposed structure when compared with the
existing historic character and sense of
place." Do you see that?

A. (Widell) Yes, but T.J. Boyle is doing a
visual impact assessment --

Q. I understand that.

A. (Widell) -- and not determining effects to a
historic property.

Q. I understand. I'm aware of that. I'm just
asking you if you saw the segment there --

A. (Widell) Yes.

Q. -- the language that I called out to you.

I'm going to go on now to Mr. Dodson's
visual impact assessment.

MR. WHITLEY: Dawn, can I have

the ELMO, please?

BY MR. WHITLEY:

Q. Have you seen this document, Ms. Widell?

A. (Widell) No, I have not.

Q. Okay.

MR. IACOPINO: If we're going to
see it, you're going to have to blow it up.

MR. WHITLEY: Okay. Give me one second.

MS. MONROE: I can help you, Steve.

MR. WHITLEY: And just for the record, this is SPNHF 69, Page 63.

BY MR. WHITLEY:

Q. Is that on your screen, Ms. Widell?

A. (Widell) Yes.

Q. Okay. So you see in the first highlighted section there, and this is Page 63 of this exhibit, it says, "While there is an existing transmission line corridor present, the new towers would be far more imposing and visible, with a height well above the forest canopy. The expanded transmission line would be out of scale and character within this historic village setting." Do you see that?

A. (Widell) Yes, I see it.

Q. The next highlighted portion is, "The proposed project will be visible to motorists, bicyclists, pedestrians from the historic church and along the scenic byway."
The duration of views will range from less than a minute for drivers and from five minutes to a half-hour or more for pedestrians, residents and visitors to the historic village and the church." Do you see that?

A. (Widell) Yes.

Q. Do you have any reason to dispute the amount of time stated here that it's going to be within the view of the people that are mentioned there?

A. (Widell) No, you don't measure adverse effect to historic properties by amount of time.

MR. WHITLEY: Can I go back to the Apple TV, Dawn? Hard-wired, yes, please.

Sorry.

BY MR. WHITLEY:

Q. Okay. So the cover page should be back up on your screen hopefully shortly. Is it there?

A. (Widell) Not yet. Yes.

Q. Okay. So I just wanted to walk through some of the photos that Mr. Dodson's used as part of his analysis. And as before, there is the Deerfield Community Church. You see that
there?

Q. Okay. Would you accept that this seems to be a similar vantage point to what Mr. DeWan --

A. (Widell) Yes.

Q. Okay. Then we're going to go to the next page here, which is Page 65. And you see that this photo does very closely resemble the one that Mr. DeWan used. This is a photo simulation. Do you see that?

A. (Widell) Yes, I see it's a photo simulation.

Q. You can see that he, Mr. Dodson that is, has marked in red on this picture. At the very top it says that the proposed project is more visible from other viewpoints in the village. It points out the community center, but it has a different descriptor for it. And then the arrow on the left states that the Project is clearly visible from that viewpoint there. Do you see that?

A. (Widell) Yes, I see it states that.

Q. Okay.

MR. WHITLEY: Can I go back to the ELMO, please, Dawn?
BY MR. WHITLEY:

Q. Let me know when that pops up on your screen.

A. (Widell) Yes, I see it.

Q. Okay. So this is from Appendix A of that same exhibit, on Page 75. I just want to point out some of the highlighted portions to you.

Mr. Dodson states that the taller towers and more visible conductors will be highly visible from the village center and will cross the scenic byway near the entrance to the center. The proposed structures and conductors are silhouetted against the sky.

A simulation of Deerfield Center by TD&A -- and I'll represent to you that I'm fairly certain that's Terry DeWan -- downplayed the visual impacts of the proposed project. Do you see that there?

A. (Widell) I see it's stated there.

Q. Okay. You stated it before, but I assume you have no reason to disagree that the proposed structures and conductors are silhouetted against the sky; correct?

A. (Widell) We're really only talking about one
structure in looking at the Deerfield Center Historic District and determining adverse effects from that historic resources. This has a discussion of multiple structures and entrance, which is not the case. It's not visible from the entrance into the historic district.

Q. Is that a "Yes"?
A. (Widell) No.

Q. So you don't agree that the proposed structures and conductors are silhouetted against the sky?
A. (Widell) One is.

Q. Okay. The next highlighted --
A. (Widell) I didn't see any -- I did not see any wires. Conductors. Excuse me.

Q. Wires is fine.

The next highlighted section is, "The proposed project will introduce a large discordant feature immediately adjacent to an historically intact scenic village." Do you see that?
A. (Widell) Yes.

Q. Then the last highlighted portion, "The
Project is in full view of the historic church, the scenic byway and the town green, and is prominent in the foreground of the view." Do you see that?

A. (Widell) Yes.

MR. WHITLEY: Can I go back to the hardwire, please, Dawn?

BY MR. WHITLEY:

Q. Is that picture up on your screen, Ms. Widell?

A. (Widell) Yes, it is.

Q. Okay. This again is the Deerfield Community Center. And this is an existing picture of the community center. And I'll represent to you that this vantage point is where that red arrow was referring to previously in one of the other pictures we viewed that stated there was another location where the structure was more visible. Do you accept that?

A. (Widell) No.

Q. Probably because this is the existing photograph. So let me go to the next one, which is Appendix A, 77. And you see there
the structure, the Project structure, rising above the tree line to the left of the community center?

A. (Widell) Yes, in this photo simulation. Yes.

Q. Yes, correct.

A. (Widell) Once again, the conductors, as I stated, do not accurately depict what they would look like.

Q. No, I understand that.

I believe you stated in your testimony that you worked with Mr. DeWan in arriving at your conclusions. Is that true?

A. (Widell) I reviewed the photo simulation that DeWan did for this property in coming to my conclusion. I used the photo simulation that was done by DeWan, yes.

Q. But you didn't use the photo simulations by any of the experts that I've just shown you.

A. (Widell) That's not true. The effects table was done with the T.J. Boyle photo simulation as well, and I have seen this. I don't think we included it, however, in the effects table, which I'm looking to see if it's there.
(Witness reviews document.)

A. (Widell) Yes, it is in there on Page 15. So all three of them were taken into consideration in determining no adverse effect for the Deerfield Center Historic District in the effects tables that were submitted to DHR.

Q. Let me ask you to clarify your answer, then, because I asked if you looked at any other pictures, and I believe your answer was, no, you only used Mr. DeWan.

A. (Widell) No. Well, in the original assessment form. But the effects tables have just been completed, and I don't believe that these were completed at that point. So I used all three of these in my determination of no adverse effect for Deerfield Center Historic District, and they are in the effects tables that have been submitted on Page 13, 14, and 15.

Q. And just to be clear, in going through the exercise of the effects table, you did have before you and considered these other photo simulations other than Mr. DeWan's.
A. (Widell) Yes, I did.
Q. Okay. I'm going to put up now the testimony of 106 Associates, which I believe you are familiar with; correct?
A. (Widell) I am familiar with it.
Q. For the record, this is Deerfield Abutter 46. And I think you'd agree with me, Ms. Widell, that 106 Associates, Mr. Newman, is a historic resources expert with 25 years' experience in New England; isn't that correct?
A. (Widell) He has indicated that and provided a resume to that effect.
Q. Okay. He states as much on Page 1 of his testimony, Lines 6 through 7 and 21 through 24. But I'll represent to you that that's basically what it states.
A. (Widell) Yes.
Q. He disagreed with your conclusions as to the resources in Deerfield; correct?
A. (Widell) Yes.
Q. Turning to Page 2 of his testimony, Lines 15 through 22, "The existing transmission infrastructure is generally obscured and
backdropped by tree cover and hillsides. The proposed project increases the height by up to 50 percent and the tower profile by up to 500 percent, with the result that the new towers would extend well above the tree canopy, be backdropped by the sky and the horizon in many instances, and loom over the historic district in a way that substantially degrades its scale, aesthetics and integrity.

In my expert opinion, based on my experience reviewing over 2,200 infrastructure projects for effects to historic sites, the net effect of the proposed Northern Pass Project on this [sic] historic district is unreasonably adverse." Do you see that?

A. (Widell) I see it.

Q. And then later on, and this is his report which is attached to... attached to the testimony, looking at Page 5 of that report, the heading here is, "The Northern Pass Adversely Affects the Deerfield Center Historic District..."

The first highlighted section there is, "Contrary to the Applicant's assertion, the
proposed transmission line will be clearly
and prominently visible from multiple
locations within the Deerfield Center and
Nottingham Road Districts and form a visual
barrier between the two districts." Do you
see that?

A. (Widell) I see it stated.

Q. And then a little further down on Page 5 of
the report, Mr. Newman talks about the
Deerfield Historic District specifically.
And the highlighted portion says, "The
highlights of the new towers increase by 30
to 40 feet and would visibly backdrop the
structure as seen looking north from Church
Street." You don't disagree with that
statement, do you, Ms. Widell?

A. (Widell) The towers are 30 to 40 feet higher.
What I would very much disagree with him on
is that the structures are 500 percent
increased. I think he must be thinking of a
lattice structure. These are not lattice
structures, as indicated by the photo
simulations; they are monopoles.

Q. I understand. My question, and maybe I
wasn't specific enough, was just in reference
to that statement that I just read. So you
did agree that the towers increase by 30 to
40 feet.

Wouldn't you also agree that they
visibly backdrop the structures as seen
looking north from Church Street?

A. (Widell) They are visible in the sky.

Q. And then he goes on and says --

A. (Widell) And it's only one.

Q. He goes on and says that the proposed towers
will loom over the tree canopy, again by 30
to 40 feet, silhouette the metal towers and
wires, form a visual barrier at the northern
backdrop to the historic district. Do you
see that?

A. (Widell) I see that he has stated that.

Q. And then the last highlighted section is that
the visual impact of the infrastructure would
be jarring and offend the expectations of the
typical viewer within the district
boundaries, and the visual intrusion would be
in close proximity to the historic district,
would extend east and west as far as the
viewer could see, would be effectively permanent, and there's no way to effectively screen this equipment which varies in heights up to 140 feet. Do you see that?

A. (Widell) I see that stated.

MR. WALKER: Mr. Chairman, I'm going to object to this line of questioning. It seems that it's now testimony. And to the extent the questions are basically, "Do you see it?" and he's reading from a report, it's in the record.

CHAIRMAN HONIGBERG: Mr. Whitley.

MR. WHITLEY: I'm asking her to confirm that she's seen some of these statements, and I'm asking her whether or not she agrees with some of the assertions that are in his --

CHAIRMAN HONIGBERG: I've heard of lot of the first. I think I heard one of the second. If you want to ask her if she agrees with certain statements made by others, you can ask her that. But I'm a little surprised Mr. Walker didn't object to this a
long time ago, because all you've been doing
for much of the last 30 minutes is reading
other people's testimonies and reports and
saying, "Do you see that?"

MR. WHITLEY: I'll move on.

CHAIRMAN HONIGBERG: And we can
see it and she can see it and everybody in the
audience can see it, and it's in the record.
So you can use it for whatever purpose you want
later on. If you want to ask her whether
agrees with it or whether it changes her
opinion, have at it.

MR. WHITLEY: Thank you, Mr.

Chair.

BY MR. WHITLEY:

Q. Ms. Widell, in your supplemental testimony,
which is Applicant's Exhibit 95, you
reference -- well, I'll let you get it out if
you want to take a second.

A. (Widell) Thank you. Page number, please?

Q. I'll get there in one second. This is a
generic comment first.

You reference and object to Mr. Newman's
analysis of unreasonable adverse effect on
this resource; isn't that correct?

A. (Widell) Where is that statement made?

Q. Here we are, Page 11 of your supplemental testimony. And I can point you to your statement, Lines 22 through 25, which is in reference to the Deerfield Historic District. Do you see that there?

A. (Widell) Yes. And I see that the reference to "unreasonable adverse effect" is his statement.

Q. Okay. You would agree that views within the district are significant ones to consider; are they not?

A. (Widell) Yes.

Q. And someone standing in front of one historic building in the Deerfield Center District looking at the historic streetscape across the street is an important and significant view to consider; correct?

A. (Widell) Yes. The more important ones would be the public views from in front of the buildings, and that was looked at with the Deerfield Community Church. And in fact, that structure is not visible when you are
standing in front of that church and
appreciating and understanding its
architecture.

Q. I appreciate the answer, but that's not the
question I posed.

If the view is changed and the observer
now sees the streetscape backdropped by
130-foot towers and high-voltage wires, are
you saying that this contributing historic
view is somehow not affected because the
tower happens to be located outside of the
district?

A. (Widell) No. I said there is an effect, but
the effect is not adverse because of the
existing modern intrusion that goes
throughout that existing Deerfield Historic
District.

Q. And that existing modern intrusion is what?
The telephone, the typical telephone poles
and wires?

A. (Widell) They are not typical. They are
quite large. And they have a cross-beam
which is quite visible in all of the photo
simulations that we've seen.
Q. Doesn't the National Register refer to them as "typical"?
A. (Widell) I think they call them "utility poles." I'd have to look.

Q. Let's go to the following --
A. (Widell) "Typical wooden utility poles run along the southerly side of the street, and conductors for the local distribution line are very visible within the setting of the historic district."

Q. And you're reading from where?
A. (Widell) The effects table.

Q. If you turn to the next page of your supplemental testimony, which is, again, Applicant's Exhibit 95, on Page 12, that first line, you'll see that the National Register nomination states a row of typical wooden utility poles runs along the southerly side of the street, which I believe is the same thing you just read; right?
A. (Widell) Yes.

Q. So that intrusion you spoke of, that modern intrusion, is not the same thing as what this project is proposing, is it?
A. (Widell) That's not true. The visibility of this structure is a modern intrusion as well into a national registered historic district. And unlike seven of them, this is one. At least seven within that immediate vicinity.

Q. So is it your opinion that a historic church backedropped by 130-foot-tall transmission line is typical?

A. (Widell) I'm sorry. I don't understand the question.

Q. Well, we were just talking about modern intrusions, and the ones that currently exist are the typical wooden utility poles. And I'm asking you if what this project is proposing, if you think of it in the same vein as a typical modern intrusion.

A. (Widell) It is a modern intrusion, a single structure that is visible within a district that already has a number of modern intrusions. So the existing integrity of the district is somewhat diminished already, and I do not believe that the visibility of this one structure would cause an adverse effect to this district.
Q. No, I understand that's your opinion. But isn't this project far greater in scope and size than the presently existing typical wooden utility poles that are in the district?

A. (Widell) They are not to me because of the significance of the district, which is its architecture and the existing -- and I think that that is why that statement about the existing utility poles are included in the nomination, because they are a distraction to understanding and appreciation of the architecture there.

Q. Thank you, Ms. Widell. That's all I have.

CHAIRMAN HONIGBERG: Ms. Pacik.

MS. PACIK: Thank you.

Can we get the Apple TV over here?

WITNESS WIDELL: May I take a bio break? Thank you.

CHAIRMAN HONIGBERG: Absolutely.

Let's take five minutes.

(Recess taken at 4:08 p.m., and the hearing resumed at 4:12 p.m.)
CHAIRMAN HONIGBERG: Ms. Pacik,
you may proceed.

CROSS-EXAMINATION

BY MS. PACIK:

Q. I'm over here, Ms. Widell. Good afternoon. 
   My name's Danielle Pacik, and I am the 
   attorney for the City of Concord, and I am 
   also the spokesperson for Municipal Group 3 
   South.

   I'd like to start by discussing your 
   opinion that there are no unreasonable 
   adverse impacts on historical resources 
   because of the new proposed transmission 
   line. And if we turn to your supplemental 
   testimony that you submitted in April, on 
   Page 10 we highlighted a section of your 
   testimony here. And it talks about the fact 
   that, in addition to the work that you 
   originally submitted with your application, 
   more work assessing historic resources has 
   been required, including a full inventory of 
   cultural landscapes according to a work plan. 
   And it started in fall of 2016 to identify 
   those cultural landscapes; is that correct?
A. (Widell) Yes.

Q. At the end of that paragraph we highlighted another sentence which talks about that the first of several cultural landscape study area reports is nearly completed and will be submitted to New Hampshire DHR very soon. And New Hampshire DHR is the Division of Historic Resources?

A. (Widell) Yes.

Q. And you state, "I expect the remaining ones will be completed by the end of June 2017;" correct?

A. (Widell) Yes.

Q. Okay. And we looked at the date earlier, but this was submitted when you prepared this supplemental testimony, which was April 17th, 2017; correct?

A. (Widell) Yes.

Q. So that was over four months ago.

A. (Widell) Hmm-hmm.

Q. In fact, in terms of your statement that one of the cultural landscape study area reports is nearly completed and will be submitted to New Hampshire DHR very soon, that has not
been submitted to the New Hampshire Division
of Historical Resource, has it?

A. (Widell) No, that's not true. The shortfalls
cultural landscape has been submitted to New
Hampshire Division of Historic Resources.

Q. Are you aware that New Hampshire Division of
Historical Resources is not able to provide
that document to anybody at this point
because, first, the Department of Energy
actually needs to do a review of all of the
cultural landscape area resource forms?

A. (Widell) I'm not precisely aware of that.
But that is something that is done under a
Section 106 review, that the federal agency
would want to review the document.

Q. Okay. In fact, the Department of Energy is
currently waiting to receive all of the
cultural landscape resource forms from you;
is that right?

A. (Widell) They are not coming directly from
me. They are coming from the Public
Archeological Laboratory, which is part of
the Northern Pass team, which has completed
all of the cultural landscape studies.
Q. Okay. They may have completed them all, but
the Department of Energy has not yet received
them all, have they?

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

Q. Okay. So let's turn to an e-mail that I had
with the Department of Energy, actually just
yesterday, and it's been marked as Joint Muni
262. And we'll start at the bottom. And
it's an e-mail that was sent, as you can see,
from me to Caitlin Callaghan. Are you
familiar with Caitlin Callaghan?

A. (Widell) Yes.

Q. And she's part of the review process for the
Section 106; right?

A. (Widell) With the Department of Energy.

Q. Okay. Correct. So my e-mail -- I don't want
to read the whole thing, but I'll try to
summarize it -- is basically to confirm our
conversation this morning that the cultural
landscape study area reports for the proposed
Northern Pass Transmission Line Project are
still being prepared by the consultants for
Northern Pass and that all of the reports
have not yet been submitted to the Department
of Energy. This is also to confirm that the cultural landscape study area reports will not be available to the consulting parties and/or the public until after the Department of Energy completes its review and forwards the documents to the New Hampshire Division of Historical Resources. Do you see that?

A. (Widell) Yes.

Q. Okay. So at least from this you can see that I had a conversation with her where I was told that all of the cultural landscape area reports had not yet been submitted to the Department of Energy. You see that? And we'll read in a bit to see whether she confirms that understanding. But that was the context of that e-mail; right?

A. (Widell) Yes, that's what it states.

Q. Okay. And then I state, "This is also to confirm that because the reports have not yet been submitted to the Department of Energy, the Department of Energy is currently unable to provide a time frame in which its review will be completed." Do you see that?

A. (Widell) Yes.
Q. So your understanding is first they have to complete their review, and then it can get forwarded to the Division of Historical Resources.

A. (Widell) I don't have an understanding related to what the intention of the Department of Energy is related to these documents.

Q. Okay. So let's go up to see what Caitlin said. So she responded at six last night. We don't have to read the first sentence, but basically there was a short delay in getting back to me. And she states, "Your summary is correct. One clarification: DOE will be reviewing the cultural landscape reports prepared by NPT's contractor for the Section 106 process prior to making the cultural landscape reports available to consulting parties and submitting the reports to New Hampshire Division of Historical Resources." Do you see that?

A. (Widell) Yes.

Q. And then she says, "As discussed on the cultural landscape call from November 1st,
2016, DOE will make the cultural landscape reports available to consulting parties concurrent with the DOE's submission of the reports to New Hampshire DHR for New Hampshire DHR's review." Do you see that?

A. (Widell) Yes.

Q. Okay. So, basically, New Hampshire DHR has not yet been able to even review the cultural landscape reports because the Department of Energy has not even yet received them all; is that right?

A. (Widell) That's what Caitlin Callaghan says.

Q. And you have no reason to disagree with that statement, do you?

A. (Widell) No, I do not.

Q. Now, at this point, we can probably agree, if you agree with that statement, that DHR and the consulting parties have not yet seen all of the cultural -- any of the cultural landscape area forms; is that right?

A. (Widell) That's what it appears to be from this e-mail.

Q. So in terms of the people in this room today that have seen these forms, you have seen
them; right?

A. (Widell) Yes.

Q. Possibly the attorneys for Northern Pass have seen them; is that right?

A. (Widell) Yes. Some, I guess, yes. I know at least --

Q. But as far as you're aware, nobody else in this room has had access to these cultural landscape forms, have they?

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

Q. Well, according to the e-mail we just read, we don't have access to them, do we?

A. (Widell) That's what Caitlin Callaghan has stated.

Q. And those forms have not yet been submitted to the Site Evaluation Committee, have they?

A. (Widell) I do not know that.

Q. Okay. So in terms of what conclusions the Department of Energy or the Division of Historical Resources will reach about impacts to the cultural landscapes, we don't have that information as we sit here today; right?

A. (Widell) You don't have the cultural landscape reports.
Q. Right. And we don't know what DOE or the Division of Historical Resources will find in terms of what the effects are of this new transmission line to cultural landscapes.

A. (Widell) No, we don't know what DHR or DOE will find.

Q. And you are aware that the Site Evaluation Committee also needs to make a determination of whether the Project is going to have an unreasonable adverse impact on historic and cultural resources. You understand that; right?

A. (Widell) Yes.

Q. And you also understand that the Applicants have the burden of proof in this case?

A. (Widell) Yes.

Q. So at this point, the Site Evaluation Committee has not yet seen the cultural landscape area forms; right?

A. (Widell) Reports, yes. They're not --

Q. Reports.

A. (Widell) Yeah.

Q. And as we sit here today, in terms of the parties to the case, we can't even ask you
questions about those reports because we don't have them, do we?

A. (Widell) No. That's what you are stating from Caitlin Callaghan's e-mail.

Q. So you agreed with Attorney Roth that the Section 106 process is not intended to determine whether there is going to be an unreasonable adverse impact to historic and cultural resources?

A. (Widell) Yes, that's correct. Although it is one of the criteria, the findings of the Section 106 process is taken into consideration in the SEC deliberations.

Q. I don't think I understood what you just said, so let me ask the question again, and maybe we can go from there.

But in the Section 106 process, and I think there was a letter from the DHR that was actually read to you earlier today, they're not going to be making a finding of an unreasonable adverse impact; right?

A. (Widell) Yes. DHR does not do that as part of the Section 106 process. But in Site 301.14(b) of the SEC application criteria for...
determining an unreasonable adverse effect,
you will see that under 4, the findings and
determinations by the New Hampshire Division
of Historic Resources, of the Department of
Cultural Resources and, if applicable, the
lead fellow agency of the proposed facilities
on historic sites, as determined under
Section 106 of the National Historic
Preservation Act, is one of the criteria in
the rules.

Q. Okay. And I understand. It's actually the
Site Evaluation Committee that needs to make
the determination of unreasonable adverse
impacts. And I think we've gone over that a
few times already; right? And they use as
information the Section 106 process; right?

A. (Widell) That's one of the criteria, yes.

Q. Okay. The Section 106, they don't look at
that word "unreasonable." They look at
"adverse effects"; right?

A. (Widell) Yes, that's correct.

Q. And they look at adverse effects to specific
properties; right?

A. (Widell) Yes, or collections of properties,
areas.

Q. Okay. And in terms of whether there is an adverse effect, then if there is an impact, it's going to be addressed in a Programmatic Agreement; is that right?

A. (Widell) Yes, normally. Or it could be another agreement document, a memorandum of agreement, yes.

Q. So in terms of the Programmatic Agreements, and I know you've talked about them already during your testimony, but a Programmatic Agreement is going to first attempt to have a contractor avoid or minimize an impact; right?

A. (Widell) Yes. Well, that's part of the assessment. It isn't necessarily only in a Programmatic Agreement. But yes.

Q. But let's talk about the Programmatic Agreement. Say hypothetically there's a determination that there is going to be an adverse effect to a historic resource. Then you're going to have a Programmatic Agreement. And in the Programmatic Agreement they're going to want, first, at least to be
some sort of avoidance or minimization to
that historic resource; right?

A. (Widell) Yes.

Q. And as you sit here today, in terms of the
cultural landscape reports, we don't know
whether or not any of them have a finding or
proposed finding of an adverse effect; right?

A. (Widell) Actually, the historic properties
that are within the cultural landscape that
have been identified that are within the Area
of Potential Effect and within the Zone of
Visual Influence we have assessed and did
assess by October of 2015 those historic
resources.

Q. But I can't ask you anything about the
cultural landscape reports because I don't
know what they are or what they have in them,
or the findings; right?

A. (Widell) Right. But you can ask me about any
of the assessment forms that were completed
within the Area of Potential Effect that may
have historic properties that could be
affected by the Project.

Q. Okay. There’s a difference, though, between
the regional cultural landscape analysis
versus specific properties that you reviewed;
right?

A. (Widell) Well, I'm not sure I agree with that completely. Significance would be drawn from the historic properties that would be part of that cultural landscape, and they wouldn't change, in that the Area of Potential Effect and the zones of visual influence have not changed for this project.

Q. So nobody needs those cultural landscape reports?

A. (Widell) They are important for the identification, broadly, of the historic properties that are in and around the Area of Potential Effect. But we have known the historic properties within the Area of Potential Effect and within the Zone of Visual Influence likely to be affected by the Project since the time we submitted the SEC Application.

Q. So as you sit here today, it's your opinion that nobody needs to look at the cultural landscape reports because no information is
going to be provided in them, anyways; is that right?

A. (Widell) No, I absolutely did not say that.

Q. Okay. I just wanted you to --

A. (Widell) The cultural landscape reports provide a great deal of information about the historic properties in and around, but they are important for that identification phase, which is at or near completion according to the Division of Historic Resources.

Q. Okay. So now let's talk for a moment about avoidance and minimization. For example, I know at least in Concord there's one property, the Maple View Farm, where you found that, as proposed with the current poles in the locations of the proposed new line, there will be an adverse effect to the Maple View Farm; is that right?

A. (Widell) Yes, that's correct.

Q. As you sit here today, you don't have any recommendation for any further avoidance or minimization to lessen the adverse effect of that particular site, do you?

A. (Widell) We looked at Maple View Farm for
avoidance and minimization. I'm not seeing any way that we were able to do more avoidance and minimization. The Project is going within an existing corridor there. I believe we are doing monopoles in that location, which are making the Project less than use of lattice structures. But they are very visible to Maple View Farm. They are a focal point, and they will adversely affect that connected farmstead.

Q. And we'll go through effects table in a moment. But in terms of, for example, Maple View Farm or other properties where there are no further ways to avoid or minimize the impacts, then, under a Programmatic Agreement, the idea is the next step that you're going to do is try to mitigate; is that right?

A. Yes, unmitigatable adverse effects are usually mitigated in some other way, yes.

Q. And I just want to talk to you because you've suggested that the Site Evaluation Committee should rely on these Programmatic Agreements and how they address impacts. But in terms
of mitigation, mitigation can range from paying money to preserve another resource to taking photographs of the historic resource to at least document what it looked like at one time; is that right?

A. (Widell) Yes.

Q. Okay. So, by "mitigation," you're not actually doing anything to lessen the impacts to that particular property. You're instead trying to find a way to deal with the fact that there is going to be an impact.

A. (Widell) Yes. The assumption is that you've done work to try and avoid and minimize, and there are still adverse effects to the historic resource, and therefore they need to be mitigated.

Q. Okay. So, for example, if the idea for Maple View Farm is they're going to take photographs of what it looks like now, in order to find out if somebody wants to know what the property looked like before the adverse effects occurred, they need to look at the photographs; is that how it works?

A. (Widell) That is your example --
Q. Okay.
A. (Widell) -- of a mitigation. But there are many, many different ways to do mitigation.
Q. But in terms of mitigation, we agree that the mitigation isn't going to address the adverse effect to that specific historic resource; right?
A. (Widell) It depends. It can address directly the adverse effects to an individual property or all of them together.
Q. But it's not going to lessen the adverse effect to that property in terms of how -- in terms of avoidance or minimization.
A. (Widell) You always attempt to do avoidance and mitigation first, and then if you are not able to do that, then you move to mitigation of the adverse effect.
Q. Okay. Now, we talked about Maple View Farm. And I actually want to look at it for a moment. It's been marked and shown previously to you. And it's marked as Counsel for the Public Exhibit 436. I think I highlighted some sections of it, so bear with me as we scroll down for a moment.
That's a picture of Maple View Farm on Shaker Road; is that correct?

A. (Widell) Yes.

MS. PACIK: Okay. So let's scroll down for a moment. All right. Apparently the one I sent was not highlighted. So hold on for a second and we can work through this.

If you go to Page 2 at the bottom, the first, the lowest box, please.

BY MS. PACIK:

Q. The recommended finding is that there will be an adverse effect to this property; is that right?

A. (Widell) Yes.

Q. All right. If you can just bear with me, I'll find my highlighted one and it will make things go a lot faster.

(Pause in proceedings)

Q. In terms of the findings that you had made for this particular property, if you go up a few boxes above, it talks about the fact that new transmission structures within the property --
MS. PACIK: Can you scroll down?

Q. -- or adjacent to the property will be
directly in view from historic buildings,
barnyard and fields which are
character-defining features of the cultural
significance. They will also be visible in
views of the buildings and associated land
from Shaker Road, and the Project will
introduce elements that will be more visible
and thus diminish the integrity of setting,
feeling and association. And that's why you
found there would be an adverse effect; is
that right?

A. (Widell) Yes. If I could correct you. It
actually is talking about the
character-defining features of the
agricultural significance.

Q. Okay. Thank you for fixing that.

Now, the fact that this property is in
an existing transmission corridor was
insufficient to avoid an adverse effect to
the historic resource; is that right?

A. (Widell) Yes, because the size and type of
structures are going to be changed. The
existing corridor has been there since 1928, so it has been part of this setting for a long time. But these changes will cause an adverse effect to this historic property.

Q. Okay. And so one way to avoid or mitigate would be to be working with abutting property owners to relocate the poles to a different location; is that right?

A. (Widell) I don't know that. I think the owner of the existing corridor would want to use their existing property. But I guess that is something that could be different.

Q. Well, it would be a reasonable proposal, wouldn't it, if there was land abutting the corridor that people were willing to sell or let -- or to expand the corridor to reduce the heights? That would be a reasonable way to avoid or minimize; right?

A. (Widell) I can't speak to that directly because I'm not an engineer that deals with the placement of transmission lines for safety and effectiveness. So I can't speak to that. It is something that you're suggesting.
Q. So let's just assume hypothetically that it was feasible from an engineering standpoint to relocate the lines a little bit away from this historic resource that's eligible for the National Register of Historic Places in order to avoid or minimize the impacts to this property. You would agree that it would be reasonable to pursue that option, wouldn't you?

A. (Widell) Is that a hypothetical?

Q. Yes.

A. (Widell) Yes. Absolutely, yeah.

MS. PACIK: Let's show Exhibit 263. And this has been marked as Joint Muni 263, for the record.

BY MS. PACIK:

Q. I'm showing you from the GIS an overhead of the corridor. And where it says Shaker Road, you can see the Maple View Farm; is that right?

A. (Widell) Yes.

Q. And you can see that there's vacant land surrounding the existing corridor. Do you see that?
A. (Widell) Yes. Yes, on either side of the corridor there are no structures that I can see other than Maple View Farm.

Q. And hopefully you can see this. I apologize for the size of it. But the property -- each yellow boundary identifies on the GIS the property boundaries. And the one with one circle in it, do you see that that's the boundary with the Maple View Farm property?

A. (Widell) Yes.

Q. And did you ever suggest to Northern Pass that they should speak to the property owner to see if the corridor could be expanded in any way to avoid or minimize the impacts to this area?

A. (Widell) No.

Q. And what about the property across the street with two dots? Are you aware of who owns that?

A. (Widell) No.

Q. Did you know that the City of Concord owns it because it received the property through a tax deed?

A. (Widell) No, I wouldn't know that.
Q. Okay. And did you ever suggest that perhaps the Northern Pass Transmission Project contact the property owner there with all that vacant land to see if it would be possible to minimize or avoid the impacts by relocating the line?

A. (Widell) No.

Q. Okay. And I assume for that next one underneath it with the three dots, and I'll represent to you that's owned by the Wilbur Trust, same question: You also didn't make any recommendation for that property?

A. (Widell) No, not for mitigation, no.

Q. Okay. Now, in your testimony you state -- and let's go to your testimony for a moment. This is your testimony from October 16th, 2015. And on Page 8, starting at Line 21... for some reason my highlighting got lost. I apologize. But I'll read it to you, which is on Line 21. It says, "Locating 99.5 miles of the line in existing transmission rights-of-way is a very effective way of avoiding impact altogether or minimizing effects on historic resources."
Now, in Concord, all of the line goes through an existing corridor; is that right?

A. (Widell) Yes.

Okay. And the corridor already contains a transmission line.

A. (Widell) Yes.

The proposed project will be increasing the height of one of those transmission lines that's in there?

A. (Widell) Yes.

And it will be adding a new line; is that right?

A. (Widell) Yes.

Okay. So at least we know for sure with the property at Maple View Farm, the fact that the line was placed in an existing corridor was not a very effective way of avoiding impact altogether. You would agree with that; right?

A. (Widell) It caused an adverse effect by, in this case, by going in the existing corridor. But given that, the existing corridor, I believe in this case, has been there since 1928. And other places it definitely does.
Q. Okay. So let's talk about the existing corridor. Have you ever heard of the concept of "cumulative impacts"?
A. (Widell) Yes.
Q. And the Department of Energy actually addresses this concept of cumulative impacts in its report. It's an environmental assessment; is that right?
A. (Widell) Yes.
Q. So if we turn to what's been marked as Joint Muni 261, it talks about cumulative impacts. And we'll go to Chapter 5. These are just excerpts. It's a few pages of the entire EIS, which is several hundred pages long. But if we scroll down, hopefully it's highlighted. We'll find -- ah, yes, it is. Excellent.

So, under Section 5.1.1.3,

Alternative 2, which I'll represent to you is applicable to this project, they talk about the fact that cumulative visual impacts result from the combined, incremental effects of human activity on the landscape. And when they talk about "human activity," that could
be pre-existing poles that already exist; is that right?

A. (Widell) Could you ask that question again? I was looking at the writing, so forgive me.

Q. Sure. I'll try.

When they say -- so the sentence says, "Cumulative visual impacts can [sic] result from the combined, incremental effects of human activity on the landscape." And those words, "human activity," my question was: That could be, for example, pre-existing lines; is that right?

A. (Widell) In some cases, yes.

Q. Okay. And so then they talk in the next paragraph that I highlighted, it talks about, "The overall contrast of proposed new energy generation facilities and related infrastructure in a natural-appearing landscape creates the conditions for potentially widespread scenic degradations."

And then it talks about three types of cumulative impacts. And the one I want to talk to you about is the first one we highlighted, which is "combined." And
combined is where a viewer could see multiple
projects from a stationary point, each
separated by a minimum distance. In this
case, what we're dealing with by adding a new
line into an existing corridor, we're dealing
with combined impacts, aren't we?

A. (Widell) No, not necessarily.

Q. Well, if there's already a line and you're
adding another one, then it's a combined
impact. Wouldn't you agree with that?

A. (Widell) In assessing whether there was an
adverse effect to an historic property, we
would look at it together.

Q. Right. And so the fact that there's one line
and then you're adding additional lines, have
you ever heard of the phrase "visual
clutter"?

A. (Widell) Yes, I've heard that concept.

Q. And it's basically multiple pieces of
infrastructure, for example, in a single
corridor could be visual clutter; right?

A. (Widell) Yes.

Q. Okay. So, adding a new line to an existing
transmission corridor can actually make it
worse. You would agree with that; right?
A. (Widell) Yes.

Q. Now, we’ve talked about Maple View in terms of a historic resource in Concord.
And I want to talk for a moment about other effects tables. And other effects tables have been provided for sites in Concord; is that right?
A. (Widell) Yes.

Q. And to date, you have not determined that any of those other tables will have an adverse effect; right?
A. (Widell) Yes.

Q. Okay. So the only one that you found an adverse effect for is Maple View Farm?
A. (Widell) In Concord, yes.

Q. And I want to talk about the Oak Hill Agricultural District. And that was recently submitted as an addition to the Applicant’s Exhibit 196, which is where I want to go. And the Oak Hill Agricultural District, I assume you’re pretty familiar with this particular area?
A. (Widell) Yes, I am familiar.
Q. And it was only recently determined eligible for the National Historic Register; right? I think it was within the last couple weeks there was a decision.

A. (Widell) Determined eligible, yes.

Q. And this effects table that we're looking at was submitted on August 18th, 2017, which was two weeks ago. Are you aware of that?

A. (Widell) Yes.

Q. Okay. On Page 3 of this table, it talks about generally the area. And it's on Oak Hill Road; is that correct?

A. (Widell) Yes.

Q. And it's a 660-acre area?

A. (Widell) Yes.

Q. And there's seven farm houses and an old school house on one side of the road; is that right?

A. (Widell) Yes. I have eight historic farm complexes.

Q. Eight total. There's seven on one side and one on the other side of the road; is that right?

A. (Widell) Yes.
Q. Okay. And in terms of this project, if you go down to Page 4, it talks about where the proposed line is going to be. And the proposed line actually goes around along Turtle Pond; is that correct?

A. (Widell) Yes.

Q. And because of the topography of the area and the hills, you'll be able to see the lines at Turtle Pond from certain areas in the Oak Hill Agricultural District; correct?

A. (Widell) Some limited views, yes.

Q. Okay. And you talk about the reason why you determined that there will be no adverse effect, and I want to go through that just briefly.

First, under Paragraph 4, I have it highlighted at the top of what you can see on the screen. It talks about what the proposed line will be. And it talks about the fact that there's an existing line currently along Turtle Pond that is on wood monopoles 61 feet to 92-1/2 feet in height; is that right?

A. (Widell) Yes.

Q. How many of those poles are 92.5 feet?
A. (Widell) I cannot tell you precisely. It is not in the effects table, but that was looked at in the materials that were provided for that.

Q. Do you know if multiple poles are 92 feet?
A. (Widell) I can't tell you that precisely.

Q. Are you aware that, on average, we've been told that for the V182, which is that existing 115 line in Concord, the average height is 75 feet? Are you aware of that?
A. (Widell) No, I'm not aware of what they told the City of Concord.

Q. Okay. Now, it talks about the other existing 115 line which is on an H-frame structure. And that's also wood; is that right?
A. (Widell) Yes. H-frame structures are usually wood, yes.

Q. And those are currently 43 to 56.5 feet in height, and they will be almost doubled to 79 to 101.5 feet in height; right?
A. (Widell) Yes.

Q. And then there's a new line which is going to be in the middle on a weathering steel H-frame, and that's going to be 80 to
110 feet in height; right?

A. (Widell) I'm looking for that statement within the --

Q. It's actually highlighted if you want to read it on the screen.

A. (Widell) Yeah, thank you.

Q. Do you see that?

A. (Widell) Yes. Thank you.

Q. Okay. So my question is -- later on you talk about why you don't think that there's going to be a lot of impact to the Oak Hill Agricultural District. And if we scroll down, I believe at the bottom it says that the proposed new structures for both the 115 line and the new 345 line will be 13.5 feet or less higher than the structures on the existing 115 line that will remain in place along the easterly side of the right-of-way.

Now, the poles are getting a lot taller than just 13.5 feet, aren't they?

A. (Widell) I think you will see that that is described on Page 4 in another portion in this particular statement. They're talking specifically about 115 kV and the 345 kV.
Q. Right. And you would agree with me that the poles are going to get higher --

A. (Widell) Yes. They are getting higher, yes.

Q. Okay. So that other statement, what are you referencing? The one that we just read.

(Witness reviews document.)

A. (Widell) Yes. I must have -- yes.

Q. Okay. But this is in your Paragraph 6 under Adverse Effect of Valuation. You talk about the fact that the existing structures -- and this is the first highlighted area -- "are already visible in the distance in various locations within the district, particularly open fields on both sides of the road, but not from historic buildings." And then it goes on to say at the bottom that the existing structures and/or conductors would also be from portions of open fields -- sorry. I don't know if this is correct the way I'm reading it. I think there's some words missing in there. Are there? I think we're missing the word "visible" I hear in the background.

So it sounds like the existing
structures and/or conductors would also be visible from portions of open fields, particularly adjacent to the pond and views of the southwest in the direction of the existing right-of-way. So that's talking about the existing visibility of the line.

A. (Widell) Yes.

Q. And then, when you talk about the fact that there's not going to be any adverse effect in the next paragraph, you state, or somebody states that the Project will not introduce visual elements that diminish the integrity of the setting and landscape, basically because the proposed new structures will be 13.5 feet or less higher than the structures of the existing 115 line. That's what it says; right?

A. (Widell) No. It says that the Project will not be seen in views of the historic built resources from Oak Hill except in one instance.

Q. Where does it say that?


Q. That's the views of historic built resources.
But there will be views in other areas; right?

A. (Widell) Yes. But the effects tables are being prepared to determine the adverse effects to historic resources and their settings.

Q. I believe if you go to Page 6... maybe not.

MS. PACIK: Scroll down for a second. All right. Scroll back up, please. Up higher, on Page 5. Hold on a second, please.

(Pause in proceedings)

BY MS. PACIK:

Q. Sorry. Okay. My apologies. There are going to be views in areas other than that one historic resource, aren't there?

A. (Widell) Yes, various views of the Project, in the second paragraph up from the bottom of Page 5, located a half-mile to nearly a mile or more way. At these distance, the structures in some instances, only the upper half or third and conductors will be seen against a backdrop of trees along the westerly corridor. They will not stand out
significantly from the background. These views are peripheral views to the southwest, not in the primary views of the historic district to the south. In most, if not all, of these instances, the peripheral views now include the existing transmission line --

Q. I don't think anyone knows where you're reading from, Ms. Widell.

A. (Widell) I stated that it is in the second paragraph above the bottom of Page 5.

Q. Okay.

A. (Widell) It begins with, "The various views of the Project from the Oak Hill Agricultural District..."

Q. Thank you?

CHAIRMAN HONIGBERG: And I'll just note, Ms. Widell, when you're going to read, please read slower than that so the stenographer --

WITNESS WIDELL: Of course. I'm so sorry.

MS. PACIK: Okay. If you'd actually scroll up for a moment.

BY MS. PACIK:
Q. It does talk about the fact that the greatest number -- and this is in the second paragraph that we see. "The greatest number of potential views will be present from areas of the fields in the district on the southerly side of the road that extend down to the shore of Turtle Pond"; right?

A. (Widell) In the areas 171 Oak Hill Road. And there's a photo to show that.

Q. All right. So there are going to be views from various areas within that district of the new, increased poles; correct? I think we can agree to that?

A. (Widell) Yes, limited.

Q. Okay. And if you go to the top, the first page of this effects table... I'm having a hard time with this particular form.

But at some point you do state that one of the reasons why you think that there's no adverse effect is because, if you look at the property as a whole and the size of the district, the few locations that will be impacted in terms of the entire scale of the property are minimal; is that right?
A. (Widell) Yes.

Q. So it kind of washes it down, because even though there are areas that will be impacted, you decided to look at the entire district as a whole; is that correct?

A. (Widell) That is the way that you would review a historic district is always to evaluate it based on a whole.

Q. So the bigger the district --

A. (Widell) And I would have to disagree with you. It doesn't wash it down. It is the way we would evaluate a historic property with multiple properties within it.

Q. So you would agree that, even if there's certain areas that there may be a pretty strong effect, the bigger the district, the less likely there's going to be an adverse effect on the district as a whole; is that right?

A. (Widell) Not necessarily. If it's in a view that has an adverse effect, that would be taken into consideration. But that was not the case for the Oak Hill Historic District.

Q. Well, I think we just agreed that there are
views in areas where there will be visibility; correct?

A. (Widell) A view does not mean that there's an adverse effect to a historic resource. The significance of the property, as expressed in its character-defining features, usually in the setting of maybe a barn or barnyards or the historic property or whatever, has to be diminished by that visual effect in order for there to be an adverse effect.

Q. Ms. Widell, have you seen the Department of Energy's KOP on the Turtle Pond project area?

A. (Widell) No.

Q. And are you aware that, according to the Department of Energy, this project will create a strong impact on this area in terms of visual impacts?

A. (Widell) No, I have not seen that.

Q. Let's look at that for a moment.

CHAIRMAN HONIGBERG: Off the record.

(Discussion off the record.)

BY MS. PACIK:

Q. So, looking at the Department of Energy's
Environmental Impact Statement, it talks about KOPC04, which is the area at Turtle Pond. Do you see that? And it's highlighted.

A. (Widell) Yes, in reference to a boat access facility.

Q. Okay. And this is the area that is going to now be visible from other portions of the Oak Hill Agricultural District.

    And according to this, it says Alternative 2 -- well, let's start with the beginning. The second sentence says, "It shows a view across the water with the existing PSNH transmission line in the foreground located in front to the forested shore. The existing contrast dominance rating is moderate."

    And then under Alternative 2, it would include the installation of monopole and H-frame structures at this location. And under Alternative 2, the contrast dominance rating would be strong, which indicates that the visual change would be large and would likely be considered adverse by a casual
observer, and depending on the sensitivity of
the setting, it may be considered
unreasonable. Do you see that?

A. (Widell) Yes, I see that. I believe that
you are applying different criteria. And I
do not believe that the boat access facility
is within the boundaries of the Oak Hill
Historic District. So I do not know
precisely what area they are talking about.
It is in Concord and it is near Turtle Town
Pond. But I do not believe, from what I can
read, that this is an evaluation of the Oak
Hill Historic District. And it certainly
does not refer to the criteria that would be
used to determine an adverse effect within an
historic property.

Q. But you would agree that this is the area
that is going to be visible from other areas
of the Oak Hill Agricultural District.

A. (Widell) I can't confirm that.

Q. You don't know what portions of the proposed
corridor are going to be visible from the Oak
Hill Agricultural District?

A. (Widell) Yes, and that was clearly described
in the effects table that we just reviewed.
But I do not know where the boat access
facilities is or this portion that is being
assessed under different criteria.

Q. Okay. Looking at this map, which is part of
your effects table, Ms. Widell, you see
Turtle Pond there?

A. (Widell) Yes.

Q. That dark purple line, that's the proposed
corridor; is that correct?

A. (Widell) Yes.

Q. Okay. And so where you have all those spots,
that one, two, three, four, five, that's
where there's going to be visibility; is that
right?

A. (Widell) No. That's where the photographs
were taken that are in the effects table.

Q. Oh, okay. But you can see, at least from
this district, what you're going to be
looking at is the area by Turtle Pond; is
that right?

A. (Widell) A portion of it is by Turtle Pond,
yes.

Q. Okay. Now, you do not know if the Division
of Historic Resources is going to agree with
your opinion that there's no adverse effect
on the Oak Hill Agricultural District, do
you?

A. (Widell) We do not at this point. We have
submitted the effects tables. But they are
based on 36 CFR 800.

Q. And you said, in terms of the effects tables,
and I just want to clarify this, too, not all
of the effects tables have yet been submitted
to the Division of Historic Resources, have
they?

A. (Widell) They have not.

Q. So as we sit here today, there's additional
effects tables that the parties do not have
access to because they have not yet been
submitted to the Division of Historic
Resources; correct?

A. (Widell) That is true. But 56 effects tables
have been submitted to DHR.

Q. Right. And there's more that have not been
submitted.

A. (Widell) There are.

Q. There are. And they're not -- and we can't

{SEC 2015-06} [Day 28 AFTERNOON - REDACTED] {08-29-17}
ask you about those today because we haven't seen them; right?

A. Yes.

Q. Okay. I have nothing further. Thank you.

CHAIRMAN HONIGBERG: All right.

So what we're going to do is break for a few minutes to allow people who aren't allowed to be here to leave, and we'll do whatever else we might want to do in those five minutes. And then we'll reconvene to allow Ms. Pacik to do the confidential questions, and then we will be done for the day.

(Pages 180 through 190 of the transcript are contained under separate cover designated as "Confidential and Proprietary."

HEARING CONCLUDED AT 5:27 P.M. AT THE END OF THE CONFIDENTIAL PORTION.)
CERTIFICATE

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
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I further certify that I am neither
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ability (1) 99:2
able (6) 77:5,137:7,141:8; 150:2,152:16,165:8
above-ground (3) 35:19,66:4,16
absolutely (7) 16:1,37:4,46:14; 134:21,149:3,156:12
Abutter (1) 124:6
abutting (2) 155:6,14
accept (6) 24:7,25:12,95:20; 106:6,118:3,121:19
access (6) 142:8,12:175:5; 176:6,177:2,178:16
According (6) 63:5,135:22; 142:11,149:9; 174:14,175:10
accurate (4) 11:24,27:10,41:3; 104:1
accurately (2) 9:16,122:7
acknowledge (1) 11:24,27:10,41:3; 104:1
Adversary (1) 135:19;144:24;
agreed (3) 117:23,174:4,10; 175:24,176:15;178:2
agreement (24) 10:2,8,22,11:8,12, 18:13,21,14:3,12,14, 15:19,15:18,15; 26:10,146:5,7,8,12, 17:19,23,23,150:16
AGREEMENT (2) 146:9,150:23
agrees (3) 128:17,22,129:11
agricultural (15) 7:23,48,12,18; 72:8,76:14,154:17; 163:21,165:10; 167:12,171:13; 175:9,176:19,23; 178:3
ah (1) 160:16
ahead (1) 37:9
allow (3) 39:8,179:7,10
allowed (1) 179:7
almost (4) 34:1,69:1,19:19; 166:19
alter (4) 79:20,83:23,84:3; 98:24
alternative (5) 29:11,160:19; 175:11,18,21
although (3) 55:16,109:3; 144:10
altogether (2) 138:23,159:18
always (5) 44:19,49,23,55:17; 125:14,173:7
AMC (2) 4:6,16,15
American (1) 60:6
Ammonosuc (1) 33:24
among (1) 88:20
amount (5) 19:8,44,23,104:6; 117:8,13
applying (1) 27:6
applicants (1) 9:16
application (3) 135:19,144:24;
expand (1) 155:16
expanded (2) 116:17,157:13
expect (4) 9:2,20;12:13;136:10
expectation (1) 111:23
expectations (2) 111:17;127:20
experience (5) 12:18,22;17:10;124:10;125:10
expert (8) 30:9;34:19;56:16;102:9,104:11;107:8;124:9;125:10
experts (1) 122:18
explain (5) 37:23;49:1;70:16,19;92:9
expressed (1) 174:5
extend (5) 50:16;84:22;125:5;127:24;172:6
extended (1) 49:18
extends (1) 114:7
extremely (1) 96:8
eye (2) 57:7;103:15

F

F-89 (1) 111:3
F-90 (1) 112:21
facilities (3) 145:6;161:17;177:3
facility (7) 5:16;24:15;21;112:24;13:16;175:6;176:6
facing (1) 96:6
fact (23) 27:5;12:24;48:1;55:9,57:22;62:12,14;93:24;113:20;130:23;135:17;
136:21;137:16;151:10;153:22;154:19;159:15;160:21;162:14;165:19;168:10;169:8;172:1
fair(3) 29:24;83:15;96:12
fairly (4) 91:2;104:6;108:22;119:15
fall (1) 135:23
familiar (12) 4:14;32:16;34:12;66:6,11;83:13;91:2;124:4;5;138:11;163:22,24
familiarity (1) 86:24
family (1) 76:14
famous (1) 31:2
fan (1) 56:17
far (6) 50:16;58:11;116:15;127:24;134:2;142:7
farmhouse (3) 82:16;83:5;87:14
farmstead (1) 150:10
faster (1) 153:18
feasible (2) 35:13;156:2
feature (1) 120:20
features (7) 76:16;88:20;97:9;99:20;154:5,16;174:6
federal (3) 44:12;50:19;137:14
feel (1) 84:9
feeling (3) 76:8,94:18;154:11
feet (30) 52:16;77:24;78:1,
fellow (1) 145:6
fence (1) 76:18
few (9) 4:8;43:2,45:19;56:12;145:15;153:22;160:13;172:22;179:6
field (13) 7:4;11:13,19;19:74:7;79:10,83:3;148:18;85:19,24;87:14;88:22,9:15
fields (10) 76:17,19,68,9;21,85:14;154:4,168:14,169:2;172:5
fifth (1) 86:15
figure (1) 73:21
fill (1) 73:20
filtered (1) 98:14
final (2) 19:2;99:23
finalized (2) 11:21;20:15
Finally (2) 60:20;79:11
find (9) 30:20;68:24;69:3;143:2,6;151:10,20;153:17,160:16
finding (5) 24:2;144:20;147:6,7;153:12
findings (5) 7:3;14;11;145:2,147:18,153:20
Fine (3) 23:3;75:19;120:17
finish (1) 41:22
finished (2) 18:10;42:3
finite (1) 104:6
fishing (2) 33:4;46:2
fit (1) 58:24
five (8) 52:15,58:1;86:4;114:9;117:2;134:22;177:13;179:9
fixing (1) 154:18
flip (1) 86:17
flipping (1) 79:1
focal (3) 55:9;62:24;150:9
foliage (1) 84:12
following (6) 93:5;100:16;109:10;112:10,21;132:5
footnote (1) 23:16
foregone (1) 69:1
foreground (2) 121:3;175:15
forested (1) 175:15
forgetting (1) 60:1
Gathered (1) 34:10
general (2) 64:5,113:13
generally (2) 124:24;164:11
generation (1) 161:17
generic (1) 129:22
generous (1) 45:4
George (1) 45:16
GIS (2) 156:17,157:6
given (6) 20:8,23,33;3:34:3;
117:9;119:19;20;
121:17;122:7,10;
126:7;127:17;128:5;
142:14;171:9
state-designated (1)
111:13
statement (31)
8:16;11:24;21:24;
25:21;26:9;30:6;
37:20;38:24;40:2;
44:11;69:4;76:1;
85:19;93:6;16:944;
96:12;102:21;
126:16;127:2;130:2;
5,10;134:9;136:21;
141:14;17;167:23;
168:4;175:1
statements (6)
39:8,12;91:15;
103:1;128;16,22
states (14)
5:14;47:20;106:14;
113:20;114:24;
118;18:21;119:8;
124:14;17;132:17;
139:17;140:13;
169:11
stationing (1)
144:3
stationary (1)
162:2
status (6)
37:18;38:1,3;
39:19;61:18;62:9
steel (4)
109:4;111:22;
112:14;166:23
steep (5)
84:17;23:104:14;
109:12
stenographer (2)
83:1,17:19
Step (3)
41:24;42:1;150:16
Steve (1)
116:5
Steven (1)
63:24
still (8)
5:8;20:18;26:17;
29:2;55:2;103:10;
138:22;151:14
stone (1)
76:18
stopping (1)
88:14
street (11)
48:6;103:3,6;
111:13;113:24;
126:5;127:7;
130:18;132:7,19;
157:17
streetscape (2)
130:17;131:7
strike (2)
39:12;66:1
strikes (1)
71:5
strong (3)
173:16;174:16;
175:22
struck (1)
99:4
structure (30)
31:7;53:9;85:16;
95:9;12:98:9;100:22;
101:3;6,18;103:14;
104:19;105:12;
107:13;190:2,4;
110:19;112:15;
115:4;120:1;121:19;
122:1;126:14,21;
130:24;133:2,18,23;
166:14
structures (35)
51:17;18,19;52:6;
54:13;21;57:3;
77:23;7:3;79:8;
81:4;88:19;97:4;
111:22;19:12,22;
120:4,11;126;19,22;
127:6;150;7;153:23;
154:24;157:2;
166:16;167;14,16;
168:10;169:11,14,
15:17;21:175:20
stuck (1)
97:17
studies (14)
137:24
study (8)
31:24;3:8,10;
33:15;36:4,22;
38:20;139:2
Subcommittee (3)
17;18;19;3:21:15
Subject (1)
75:11
submission (1)
141:3
submitted (29)
17:17;20;14,20;
21:33:1;44:12;
71;19,83:11;123:7,
19:135:15,19;136:6,
15:23;137:4;
138:24;139:12,20;
142:15;148:20;
163:19;164:7;178:6,
10,17,20,22
submitting (1)
140:19
subsequently (1)
44:18
substantial (1)
114:7
substantially (2)
19:22;125:8
sudden (2)
68:13,17
suffering (1)
25:15
sufficient (3)
44:24;4:5,17:20,3
suggest (3)
39:7;157:11;158:1
suggested (3)
30:18,19;150:22
suggesting (1)
155:24
suggests (2)
96:7,9
summarize (1)
138:18
summary (1)
140:13
Summer (4)
46:1;47:13;51:4,5
summit (1)
58:9
sun (1)
55:12
supplemental (14)
9:8,12;19:17;
21:20;23:9,17:30:16;
59:22;110:22;
129:16;130:3;
132:14;135:14;
136:16
supported (1)
78:6
Sure (14)
9:9;12:24;15:17;
17:7;20;11:25:4;
52:12;55:20;63:10;
74:21;99:8;148:4;
159:14;161:5
Surely (1)
68:22
surprised (1)
128:24
surrounding (1)
156:23
switching (1)
109:4

T

table (25)
76:21;77:27,12;
81:1;84:13;87:5,6;
88:17;89:5,17;90:21;
91:12;122:19,23;
123:22;132:12;
150:11;164:6,10;
166:2;172;176:17,1;
6,17
tables (17)
65:18;66:19;68:10;
80:5;99:17;123:6,13,
19:163:6,7,11;170:3;
178:6,8,10,15,19

tact (1)
48:2
talk (22)
26:20;27:3;31:3;
38:7;90:17;93:23;
111:16:14:18;
149:11;150:21;
160:1,20,24;161,14,
23;163:5;17;165:12;
167:9;169:8;169:8;
172:1
talked (12)
4:16,18:17;16;
20:7,27;11:42;5,20;
53:5;90:24:146:10;
19:158:163:3
talking (17)
6:20;27:3;31:18;
32:18;36:24;41:12;
52:18,66:13;73:11;
107:14;119:24;
133:11;154:15;
167:23;169:5;176:9
talks (17)
77:22;86:15;95:2;
6:126:9;135:17;
136:3;153:22;
160:11;161:15,21;
164:10;165:2,18,19;
166:13;175:1
tall (1)
111:22
taller (2)
119:8;167:19
tax (5)
49:4,5,6,11;157:23
tD&A (1)
119:14
teach (1)
56:18
team (6)
40:5,42:19,43:19;
45:21;47;24:137:23
team's (2)
37:14,45:15

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<table>
<thead>
<tr>
<th>25 (3)</th>
<th>61:15;124:9;130:5</th>
</tr>
</thead>
<tbody>
<tr>
<td>261 (1)</td>
<td>160:11</td>
</tr>
<tr>
<td>262 (1)</td>
<td>138:8</td>
</tr>
<tr>
<td>263 (2)</td>
<td>156:14:15</td>
</tr>
<tr>
<td>264 (1)</td>
<td>75:9</td>
</tr>
<tr>
<td>265 (2)</td>
<td>76:23:87:7</td>
</tr>
<tr>
<td>266 (2)</td>
<td>83:10:88:10</td>
</tr>
<tr>
<td>27 (1)</td>
<td>76:1</td>
</tr>
<tr>
<td>2B (1)</td>
<td>110:2</td>
</tr>
<tr>
<td>2nd (1)</td>
<td>23:3</td>
</tr>
<tr>
<td>3</td>
<td>5:18:77:8:91:13; 135:8:164:10</td>
</tr>
<tr>
<td>3:07 (1)</td>
<td>90:3</td>
</tr>
<tr>
<td>30 (8)</td>
<td>49:18:50:16:52:16; 126:12:17:12:3:12; 129:2</td>
</tr>
<tr>
<td>301.14 (1)</td>
<td>71:2</td>
</tr>
<tr>
<td>30-mile (1)</td>
<td>50:12</td>
</tr>
<tr>
<td>32 (2)</td>
<td>34:9:24</td>
</tr>
<tr>
<td>345 (2)</td>
<td>167:15:24</td>
</tr>
<tr>
<td>4:08 (1)</td>
<td>134:23</td>
</tr>
<tr>
<td>4:12 (1)</td>
<td>134:24</td>
</tr>
<tr>
<td>40 (4)</td>
<td>126:13:17:127:4; 13</td>
</tr>
<tr>
<td>43 (3)</td>
<td>106:5:7;166:18</td>
</tr>
<tr>
<td>436 (1)</td>
<td>152:22</td>
</tr>
<tr>
<td>438 (1)</td>
<td>90:21</td>
</tr>
<tr>
<td>45 (1)</td>
<td>52:16</td>
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<td>46 (1)</td>
<td>124:6</td>
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<td>47 (2)</td>
<td>75:1:83:12</td>
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<td>470 (1)</td>
<td>95:19</td>
</tr>
<tr>
<td>475 (1)</td>
<td>102:3</td>
</tr>
<tr>
<td>480 (1)</td>
<td>95:19</td>
</tr>
<tr>
<td>5.1.1.3 (1)</td>
<td>160:18</td>
</tr>
<tr>
<td>5:27 (1)</td>
<td>179:20</td>
</tr>
<tr>
<td>50 (1)</td>
<td>125:3</td>
</tr>
<tr>
<td>500 (2)</td>
<td>125:4:126:19</td>
</tr>
<tr>
<td>56 (2)</td>
<td>125:4:126:19</td>
</tr>
<tr>
<td>56.5 (1)</td>
<td>48:3:178:19</td>
</tr>
<tr>
<td>56.5 (1)</td>
<td>166:18</td>
</tr>
<tr>
<td>6 (4)</td>
<td>100:17:124:15; 168:8:170:7</td>
</tr>
<tr>
<td>61 (1)</td>
<td>165:21</td>
</tr>
<tr>
<td>63 (3)</td>
<td>2:11:116:7:12</td>
</tr>
<tr>
<td>65 (1)</td>
<td>118:7</td>
</tr>
<tr>
<td>660-acre (1)</td>
<td>164:14</td>
</tr>
<tr>
<td>69 (1)</td>
<td>116:7</td>
</tr>
<tr>
<td>7 (2)</td>
<td>9:14:124:15</td>
</tr>
<tr>
<td>73 (1)</td>
<td>78:7</td>
</tr>
<tr>
<td>75 (2)</td>
<td>119:5:166:10</td>
</tr>
<tr>
<td>77 (1)</td>
<td>121:24</td>
</tr>
<tr>
<td>79 (1)</td>
<td>166:19</td>
</tr>
<tr>
<td>8 (2)</td>
<td>89:4:158:17</td>
</tr>
<tr>
<td>80 (1)</td>
<td>166:24</td>
</tr>
<tr>
<td>800 (2)</td>
<td>22:15:178:7</td>
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