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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)
- Cmsr. Kathryn M. Bailey Public Utilities Comm.
- 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



[WITNESS PANEL: WIDELL|BUNKER]

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1 AFTERNOON SESSION

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

3 CHAIRMAN HONIGBERG: All right.

4 Ms. Boepple, you may proceed.

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

10 CROSS-EXAMINATION (resumed)

11 BY MS. BOEPPLE:

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

15 A. (Widell) Yes.

16 Q. This morning we talked a lot about the SEC  
17 definition of "effects on historic  
18 properties." We talked about what happens  
19 with the SEC. And I believe what you stated  
20 was under the Section 106 process there's a  
21 review of the historic properties and a  
22 determination of whether there will be an  
23 adverse effect on the historic property;  
24 correct?

1 A. (Widell) Yes.

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

7 A. (Widell) Yes.

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

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

13 Q. Then let's look at the rule, okay. Let's  
14 read the rule. And under the rule it states,  
15 "In determining whether a proposed energy  
16 facility will have an unreasonable adverse  
17 effect on historic sites, the Committee shall  
18 consider..." 1, 2, 3, 4, 5. And 5 says, "The  
19 effectiveness of the measures proposed by the  
20 Applicant to avoid, minimize or mitigate  
21 unreasonable adverse effects on historic  
22 sites in archeological resources and the  
23 extent to which such measures represent Best  
24 Practical Measures."

1           Now, if it's all cumulative, how are you  
2 going to have mitigation on specific historic  
3 sites?

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

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

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

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

15 A.   (Widell) That is not the way I applied  
16 "unreasonable adverse effects" to my  
17 evaluation of this project. I did not look  
18 at individual property by property. If you  
19 look at the top four criteria, you will see  
20 that they're talking about all of the  
21 historic sites and archeological resources  
22 affected and any potential adverse effects.  
23 You're looking at the number of significance  
24 of any adversely affected sites; the extent,

1 nature and duration of the adverse effects on  
2 historic sites and archeological sites. So,  
3 those and the findings of Section 106, to me  
4 as a professional in the field of historic  
5 preservation, that is looking at all of the  
6 properties and all of those effects that are  
7 being caused by a project. It's not an  
8 uncommon thing that's done by state historic  
9 preservation officers, too, when they're  
10 looking at how a project is going to affect  
11 historic properties.

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

21 A. (Widell) I'm sorry.

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

1 historic site?

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

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

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

9 And your question again? I'm sorry.

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

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

22 Q. I understand your testimony.

23 Okay. So, also in your prefiled  
24 testimony you quote, and I quote you -- it's



1 on Page 12 of your testimony -- that you  
2 expect the DOE, in consultation with DHR,  
3 will determine in the end of the Section 106  
4 process, as you have, that there will be some  
5 adverse effects from the Project; correct?  
6 Page 12 of your prefiled.

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

9 Q. Sure.

10 (Witness reviews document.)

11 A. (Widell) What line?

12 Q. Sorry. Might be in your supplemental.  
13 Sorry. Oh, no, it's in your direct. Sorry.  
14 Line 7.

15 A. (Widell) Yes.

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

17 A. (Widell) "...DHR and the Advisory Council on  
18 Historic Preservation will have a continuing  
19 role in the Project until it's completion. I  
20 expect that DOE, in consultation with DHR,  
21 will determine at the end of the Section 106  
22 process, as I have, that there will be some  
23 adverse effects from the Project. The  
24 Section 106 process will require that any

1           adverse effects will be mitigated." And that  
2           is done in the Programmatic Agreement.

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

5                   (Pause)

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

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

17                           MS. BOEPPLE: Sorry.

18   A.    (Widell) Yes.

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

24   A.    (Widell) Hmm-hmm.

1 Q. "The PA anticipates avoiding, minimizing and  
2 mitigating adverse effects through the  
3 preparation and implementation of several  
4 plans"; correct?

5 A. (Widell) Yes.

6 Q. And then it lists the plans; correct?

7 A. (Widell) Hmm-hmm.

8 Q. So the Programmatic Agreement, didn't you  
9 just state that that is going to set forth  
10 the mitigation?

11 A. (Widell) Yes. There is a process normally in  
12 a Programmatic Agreement by which the parties  
13 develop precise mitigation. Now, what  
14 they're saying is that there's not numbers or  
15 precise mitigation for doing an adverse  
16 effect on this property or that property.  
17 That is not delineated normally in a  
18 Programmatic Agreement. Often there is a  
19 process for determining what mitigation will  
20 be at the time that the adverse effects have  
21 been finalized and determined.

22 Q. So do you agree with the letter --

23 A. (Widell) Yes.

24 Q. -- that that is an accurate statement?

1 A. (Widell) Yes.

2 Q. Also in your prefiled testimony, Page 12,  
3 Lines 15 through 17 --

4 A. (Widell) Yes.

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

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

18 Q. Has that been your experience?

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

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

24 A. (Widell) I'm not sure I understand your

1 question.

2 Q. Did you not testify this morning that you  
3 have never been before the SEC?

4 A. (Widell) Yes, that's true.

5 Q. Okay. So this is based on your reading of --

6 A. (Widell) Yeah.

7 Q. -- of other SEC certificates; is that  
8 correct?

9 A. (Widell) Yes, proceedings.

10 Q. So you do not have any legal background;  
11 correct?

12 A. (Widell) Correct.

13 Q. So your opinion is based on your layperson's  
14 reading, is that correct, of what authority  
15 the SEC might or might not have, or perhaps  
16 on the attorneys advising you on what  
17 authority the SEC might or might not have?

18 A. (Widell) No. I would state that, once again,  
19 if we look broadly in my field, in the field  
20 of historic preservation, completing an  
21 agreement document when you have found an  
22 adverse effect that includes things as were  
23 indicated by DHR, a mitigation plan, a  
24 historic preservation treatment plan -- as

1 the state historic preservation officer in  
2 California, I was involved in many, many,  
3 many agreement documents, and they are what  
4 results after you have done, first, the --

5 Q. We're not in California; correct?

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

20 Q. That's great. That's terrific. We all  
21 understand that's what happens in the  
22 Section 106 process. We are in the SEC  
23 process. And my questions had to do with  
24 specifically under the SEC rules and whether

1 or not the kind of delegation of authority  
2 you are relying on to protect historic  
3 resources is even legally enforceable. Do  
4 you know the answer to that?

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

22 Q. And you don't agree with the Commission's --  
23 the DHR's letter about how this process  
24 works. You disagree with how they --

1 A. (Widell) That's absolutely not --

2 (Court Reporter interrupts.)

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

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

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

10 I have no other questions. Thank you.

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

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

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

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

19 (Pause in proceedings)

20 CHAIRMAN HONIGBERG: Mr.  
21 Plouffe.

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

24 CROSS-EXAMINATION



1 BY MR. PLOUFFE:

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

5 A. (Widell) Hi.

6 Q. Hi.

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

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

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

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

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

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

22 A. (Widell) I would have to disagree with you,  
23 in that I believe the letter says that the  
24 identification part of it is very nearly

1 complete and that the assessment of effects  
2 has begun.

3 Q. So the assessment of effects is not complete.

4 A. (Widell) The assessment of effects is not  
5 complete.

6 Q. It's a work in progress.

7 A. (Widell) Yes.

8 Q. I think you said this morning in response to  
9 a question that you would not anticipate that  
10 that would be finished by the end of this  
11 year.

12 A. (Widell) No. I think the question was  
13 regarding the, quote, Section 106 process  
14 being completed. And the Programmatic  
15 Agreement will have a number of things in it,  
16 which is typical, which will carry on past  
17 the issuance of a certificate, as has been  
18 done previously.

19 Q. Do you have a time when you anticipate that  
20 the DHR analysis of the effects will be  
21 completed?

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

23 Q. So it could be by the end of the year or not;  
24 correct?

1 A. (Widell) Could be, yes.

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

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

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

21 A. (Widell) I do not believe that there are  
22 substantially more. There were some that we  
23 included in our assessment report that  
24 eventually were not included in the

1 inventory. But there's quite a similar  
2 similarity between the lists and the Project  
3 area forms, of course, which informed the DHR  
4 direction for inventories, and the properties  
5 that we assessed in the assessment report --

6 Q. Forgive me, but what are the 111 project  
7 forms that we talked about this morning that  
8 you've very recently given to DHR?

9 A. (Widell) Let me take a look at the precise  
10 numbers if I can.

11 Q. Sure.

12 (Witness reviews document.)

13 A. (Widell) There have been 118 inventory forms  
14 completed and submitted to DHR, and 109 of  
15 those have been finalized and the eligibility  
16 have been determined; there are 9 in progress  
17 at this time. So those are the inventory  
18 forms that I said were still yet to be --  
19 they have been completed, but I do not  
20 believe they've been submitted for  
21 determination. They're all at Webster Lake.

22 Q. But we do not have the DHR's opinion on the  
23 information that you've given them at this  
24 point in time; correct?

1 A. (Widell) No, that's not true. The DHR has  
2 reviewed those 109 of the 118 that have been  
3 submitted, and they have determined whether  
4 they are eligible for the National Register  
5 or not. So that is an important part of the  
6 identification stage, to determine exactly  
7 what historic properties are out there in the  
8 Area of Potential Effect and which ones need  
9 to be considered in the 106 process, and that  
10 has been completed by DHR.

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

13 A. (Widell) No, they have not.

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

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

20 Q. In both your prefiled and your supplemental  
21 prefiled you've reached the conclusion that  
22 the Project will not have an unreasonable  
23 adverse effect on historic resources. In  
24 making that statement, you went beyond what

1 the Preservation Company stated in their  
2 written report that's part of Appendix 18;  
3 correct?

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

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

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

1 by this project.

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

9 In your supplemental testimony you  
10 criticize the report that was done by Scott  
11 Newman of 106 Associates. And you say that  
12 Mr. Newman reviewed only resources located in  
13 the town of Deerfield and found two historic  
14 districts there -- and there's a typo -- that  
15 present unreasonable adverse effect. And  
16 then in a footnote on Page 11 of your  
17 prefiled testimony -- supplemental testimony,  
18 you say, "I believe this is a  
19 misinterpretation of the NH SEC requirement  
20 that the Project not have an unreasonable  
21 adverse effect on historic sites," and you  
22 cite RSA 162-H and 301.14(b). You go on,  
23 "The assessment of unreasonable adverse  
24 effect is for the Project as a whole. While

1           that includes evaluation of individual Stark  
2           properties, the finding of unreasonable  
3           adverse effect does not apply to discrete  
4           individual resources."

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

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

24    Q.    Okay.



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

3 Q. Fine.

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

8 Q. All along the 192-mile corridor.

9 A. (Widell) Yes.

10 Q. All right. That's what I'm trying to get  
11 from you, that you looked at all the sites.

12 So if we accept that paradigm, that way  
13 of looking at this, wouldn't it be possible  
14 for there to be one historic site that is  
15 suffering a significant, major adverse  
16 effect; yet, that would be averaged out over  
17 the 192 miles and thrown in with all the  
18 other sites? Looked at another way, is the  
19 denominator in the equation that you're  
20 proposing all of the sites along 192 miles?

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

24 Q. Okay. So, along the 192 miles.

1 A. (Widell) Yes.

2 Q. Okay. So that is the denominator, all the  
3 sites that are potentially affected along  
4 192 miles.

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

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

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

20 A. (Widell) No, we don't need to talk about that  
21 because there are -- in my opinion, there are  
22 six adverse effects, and they are not adverse  
23 effects to the extent that they would be, in  
24 totality, an unreasonable adverse effect

1           being caused by this project.

2    Q.    I'm just talking about your methodology.  I  
3           think we do need to talk about your  
4           methodology, because if your methodology is  
5           incorrect, if in fact what you should have  
6           been doing is analyzing each identified  
7           historic site as to whether or not there's an  
8           unreasonable adverse effect, you didn't do  
9           that.

10   A.   (Widell) That's not accurate, in that just  
11           prior to our lunch break I talked about how  
12           we first looked at each historic property  
13           that's within the Area of Potential Effect.  
14           We identify what those properties are and why  
15           they're significant.  Then we apply the  
16           "adverse effect" definition to them to see if  
17           there's a direct or visual adverse effect.  
18           We did that over and over and over again with  
19           each property.  And the result was  
20           determining that, for this project, for the  
21           entire length of it within the Area of  
22           Potential Effect where there is likely to be  
23           an adverse effect on historic resources, we  
24           found six adverse effects.

1 Q. But you didn't make a determination as to  
2 each site as to whether or not there was an  
3 unreasonable adverse effect, because that's  
4 precisely what you criticized 106 Associates  
5 for doing.

6 A. (Widell) That's correct. I did not apply it  
7 on a building-by-building or  
8 property-by-property basis.

9 Q. So you were hired on this project I believe  
10 in the spring of 2015 is what you told Mr.  
11 Roth; is that correct?

12 A. (Widell) I believe that I couldn't remember  
13 precisely. I think it may have been a little  
14 before that.

15 Q. So it could have been the winter/spring of --

16 A. (Widell) Yeah, right. Yeah.

17 Q. Okay. So, with respect to the route of the  
18 Project where the transmission line is going,  
19 that had already been determined by Northern  
20 Pass at the time you were hired.

21 A. (Widell) No, it had not entirely. I remember  
22 that decision to put a portion of it  
23 underground was just then -- was not publicly  
24 stated. And of course the route right now

1 for the underground portion, precisely where  
2 it's going, is still being determined.

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

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

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

20 If the route had been determined before  
21 you -- except for the White Mountain National  
22 Forest area where it went underground -- if  
23 it had been determined by the time you were  
24 hired, fair to say you had no role in

1           advising Northern Pass as to the route for  
2           the transmission line?

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

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

10      A.     (Widell) I did not imply that.

11      Q.     Okay. Thank you.

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

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

24      A.     (Widell) It's not precisely mentioned, but

1 obviously a historic site could include a  
2 cultural landscape, yes.

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

5 A. (Widell) Hmm-hmm.

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

9 A. (Widell) That's correct.

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

15 A. (Widell) Could be.

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

21 A. (Widell) The "Great North Woods," yes.

22 Q. Yes. In fact, that area is an area that's  
23 outlined in the map that's attached to the  
24 recent DHR letter, correct, as a study area?

1 A. (Widell) Yes, and -- yes.

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

4 A. (Widell) Yes.

5 Q. -- found to be a cultural landscape?

6 A. (Widell) Yes.

7 Q. The whole North Woods?

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

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

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

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

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

23 Q. Would it be -- aside from that, would it be  
24 wrong for someone like yourself with the



1 background that you have to look at the  
2 entire area as potentially a cultural  
3 landscape, given its importance to the  
4 history of New Hampshire, logging, fishing  
5 and so forth?

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

8 Q. Yeah, potentially.

9 A. (Widell) Yes --

10 Q. Okay.

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

1 almost Great North Woods -- would be a third.  
2 So there were cultural landscapes found.

3 Q. Yup. Given that this process is not  
4 completed, if the Great North Woods were  
5 found to be a cultural landscape as "the  
6 Great North Woods," just hypothetically, I'm  
7 not saying that it is or would be or will be,  
8 hypothetically if it were, are you aware that  
9 the Project calls for 32 miles of a new power  
10 line corridor to be built through the Great  
11 North Woods?

12 A. (Widell) Yes, I'm very familiar with that.  
13 And that was taken into consideration to look  
14 at the possible adverse effects on each and  
15 every historic resource that was found in the  
16 Area of Potential Effect in the Great North  
17 Woods.

18 Q. Would you agree that, again,  
19 hypothetically -- and you're an expert, so I  
20 can ask you hypothetical questions -- if this  
21 whole area were a cultural landscape,  
22 wouldn't it be less adverse to the historic  
23 site if the Project were buried through the  
24 32 miles as opposed to the erection of

1 towers?

2 A. (Widell) Not necessarily. It would depend on  
3 whether you have an adverse effect being  
4 close to historic resources within the Area  
5 of Potential Effect.

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

16 (Court Reporter interrupts.)

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

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

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

22 A. (Widell) Thank you.

23 MR. PLOUFFE: Thank you, Mr.  
24 Chairman.

1 CHAIRMAN HONIGBERG: Now,  
2 Ms. More.

3 MS. MORE: We have a  
4 technological exchange.

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

7 MS. MORE: Thank you.

8 (Pause in proceedings)

9 CHAIRMAN HONIGBERG: All right.  
10 Ms. More, you may proceed.

11 MS. MORE: Thank you very much.

12 CROSS-EXAMINATION

13 BY MS. MORE:

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

22 MS. MORE: And with your  
23 permission, Mr. Honigberg, I'd like to have  
24 some images up while I'm talking so that -- and

1 I'll refer to them. They're all exhibits.

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

4 MS. MORE: Absolutely.

5 CHAIRMAN HONIGBERG: -- for the  
6 witnesses.

7 MS. MORE: Correct. Absolutely.

8 CHAIRMAN HONIGBERG: All right.

9 Go ahead.

10 MS. MORE: They are relevant.

11 Thank you.

12 BY MS. MORE:

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

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

21 Q. It was in your Preservation Company's  
22 Appendix 18. But I wondered, could you  
23 explain where in 36 CFR 800.5 there is a  
24 reference to "loss of National Register

1 status" as an applicable standard?

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

6 Q. Right.

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

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

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

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

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

22 CHAIRMAN HONIGBERG: Whoa, whoa.

23 MS. MORE: That wasn't a  
24 question. That was just a statement.

1 CHAIRMAN HONIGBERG: Well, no,  
2 you don't get to do that right now. Now is not  
3 your turn to testify.

4 MS. MORE: Okay.

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

10 MS. MORE: Right.

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

13 MS. MORE: Okay.

14 CHAIRMAN HONIGBERG: Do you  
15 understand?

16 BY MS. MORE:

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

20 A. (Widell) It may be, yes.

21 Q. Okay. Thank you.

22 The DHR, as everyone has mentioned,  
23 released a document describing this pending  
24 report by PAL on the broader New Hampshire

1 historic and cultural landscape. Would your  
2 statement, that a one-mile APE is appropriate  
3 with regard to determining adverse effect,  
4 change in the context of a 10-mile area of  
5 visual effect or a cultural landscape?

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

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

20 A. (Widell) Yes. But I would acknowledge that  
21 in your testimony, which I reviewed, you  
22 found some errors in the information that we  
23 found. We depended on the National Register  
24 nomination for Weeks Estate and the public



1 web sites that State Parks uses, which is  
2 where some of the information that I think  
3 you found was not accurate. So I wanted  
4 to --

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

7 A. (Widell) The sources were the --

8 Q. That could have --

9 (Court Reporter interrupts.)

10 Q. Yeah, I just --

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

13 MS. MORE: I understand.

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

17 MS. MORE: Excuse me.

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

20 MS. MORE: Thank you --

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

23 MS. MORE: Yeah.

24 CHAIRMAN HONIGBERG: Step away

1 from the microphone. Step back from the  
2 microphone for just a second. You need to wait  
3 until she's finished before you say anything  
4 more.

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

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

12 MS. MORE: Yeah. Thank you.

13 CHAIRMAN HONIGBERG: All right.  
14 You may proceed.

15 BY MS. MORE:

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

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

23 Q. Okay. Thank you.

24 So in that regard, however, there was

1           also data submitted on Prospect Farm,  
2           LINC 01. And so there are a few examples  
3           that I wanted to bring up because I wasn't  
4           aware that there had been any corrections  
5           made to the Weeks State Park materials.

6                        So, for example, it's a small detail,  
7           but it lists the son of the builder, James  
8           Brackett Weeks, as William Dennison Weeks; is  
9           that correct?

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

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

14                       Secondly, Prospect Farm is described as  
15       having been, quote, remodeled in the late  
16       19th Century and, quote, again at an unknown  
17       date in the 20th Century, with the result  
18       that the analysis is noted as "incomplete."

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

22    A.   (Widell) We received our information  
23       regarding local information from the project  
24       area forms that were completed by the

1 Department of Energy to identify regional  
2 history and historic resources that need to  
3 be considered in evaluating historic  
4 properties for this project.

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

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

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

19 A. (Widell) No, because we were always very  
20 conservative in assuming that a property was  
21 eligible for the National Register even if  
22 there had been some changes, as long as -- or  
23 we didn't have a complete amount of  
24 information, as long as there is sufficient

1 integrity and sufficient significance to be  
2 possibly eligible for the National Register.  
3 So we were very comprehensive and very  
4 generous in our conservative approach. And I  
5 know that we certainly determined and assumed  
6 that Prospect Farm was eligible for the  
7 National Register.

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

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

19 May I just -- a few more kind of  
20 ancillary parts of that. Do you know, for  
21 example, or would your team have known if  
22 Rowell had any historic significance himself,  
23 or would they have known or made the  
24 connection between his architect and the work

1           that was done at the Percy Summer Club for  
2           Rowell and his coterie of fishing friends,  
3           would that have changed your conclusion?

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

6                         MS. MORE:   Yes.

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

13                         Did I get that right?

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

16                         CHAIRMAN HONIGBERG:  Let's let  
17          her do it.

18                         MS. MORE:   Thank you.

19          A.   (Widell) No, it would not have changed our  
20          opinion because we already determined that it  
21          was potentially eligible for the National  
22          Register.  And many properties are eligible  
23          for a number of significance, as you heard.  
24          There's Criteria A, B, C and D.  It may be

1           for biography. So the relationship with him  
2           may have been very important for that  
3           property. But remember that whatever existed  
4           at the time he redid Prospect Farm has been  
5           completely demolished, or mostly demolished,  
6           there may be a little bit, and completely  
7           rebuilt in the 20th Century.

8    Q.    All right.

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

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

17   Q.    Some, partially.

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

24                Would it have mattered if your team had

1 known that in fact the entire property is in  
2 tact and that the property listed separately  
3 as LINC 56 has been part of the Prospect Farm  
4 since 1803?

5 A. (Widell) And we realize that we didn't  
6 include the barn which was across the street.  
7 And now, with the cultural landscape, that  
8 has been incorporated in the understanding of  
9 the property, and I believe that assessment  
10 is more complete. And so, yes, the barn  
11 would have led us to understand perhaps the  
12 agricultural significance for the property,  
13 not just architectural significance.

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

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

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

22 A. (Widell) It must have been from parcelization  
23 of some sort. We were always looking at the  
24 parcelization associated with the property.



1 Q. Could you explain? I'm not clear on what you  
2 mean by "parcelization."

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

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

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

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

12 A. (Widell) Yeah.

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

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

21 This map which, was commissioned by the  
22 Northern Pass, shows the area of visual  
23 impact. Where the word "VT" is, or the  
24 letters "VT" are, that defines the

1           northwestern edge of the area of visual  
2           impact. You can't see the line to the  
3           right-hand side, but you can see Weeks State  
4           Park is No. B. At least I hope you can see  
5           it. It's hard with the coloration of these  
6           bare earth maps. But it does indicate where  
7           the highest impacts are. And would you agree  
8           that Weeks State Park is in the middle of an  
9           area of major impact?

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

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

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

24        Q.   Okay. Thank you.

1           With regard to your assessment of visual  
2           impact on a historic site, did you personally  
3           visit Mountain View Grand, Weeks State Park,  
4           Prospect Farm or the Percy Summer Club?

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

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

15   A.   (Widell) Both.

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

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

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

23   A.   (Widell) From what viewpoint?

24   Q.   Well, there's --

1 A. (Widell) There's one on the east. It's very  
2 much --

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

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

12 Q. Sure.

13 (Witness reviews document.)

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

21 Q. But what are they constructed of? If you  
22 could just -- you know, when you were up  
23 there and you were looking down at them --  
24 the Commission visited a week or so ago, two

1 weeks ago, three weeks ago. I just want to  
2 clarify what --

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

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

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

11 Q. Okay. Thank you.

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

15 A. (Widell) Yes, I did.

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

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

20 Q. Okay. Thank you.

21 I'm just curious. Why is the  
22 national -- since it is a National Register  
23 site, why isn't it included in Attachment B,  
24 your Attachment B listing of sites for

1 potential adverse effect, where Weeks State  
2 Park is? I'm just... is there a difference  
3 between them?

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

6 Q. Well, they're both --

7 (Court Reporter interrupts.)

8 MS. MORE: Sorry.

9 A. (Widell) You're asking me the difference  
10 between Mountain View Grand and Weeks State  
11 Park. Yes, there is a difference. The  
12 evaluation of Mountain View Grand indicated  
13 the tops of some structures from especially  
14 the higher levels of the Mountain View Grand;  
15 whereas, the Weeks State Park, the area that  
16 the Project is most likely to be visible is  
17 from the east overlook toward the  
18 Presidential Mountains in an existing  
19 right-of-way which has been there since, I  
20 believe, 1946. What would be visible is 12  
21 to 19 structures and the conductors between  
22 them. But they are against a backdrop of  
23 forest. And so they are about a mile and --  
24 1.3 miles from the east overlook.

1           What is most visible in the change is  
2           what is still there now, but there will be  
3           some vegetation clearing, is the cut through  
4           the forest. Because the views from Mount  
5           Prospect are an important part of its  
6           significance, I determined that it does have  
7           an adverse effect because it does diminish  
8           the view. It is not a large change. They  
9           will not become a focal point. And in fact,  
10          in the photo simulations, what is likely to  
11          be most visible are the conductors themselves  
12          in late afternoon sun, probably in leaf off.

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

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

23    Q.    So, now, further question. So would you  
24          agree that the significance -- it sounds as

1           if you would -- the significance of Weeks  
2           State Park includes the architectural  
3           distinction of its rare for New Hampshire  
4           arts-and-crafts-style lodge, the carriage and  
5           carriage house, the views, the observation  
6           from the observation tower, the lodge, the  
7           overlooks, as well as the park's association  
8           with the Weeks Act of 1911 and the founding  
9           of the White Mountains National Forest in  
10          1918?

11        A.    (Widell) Yes.

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

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

21        Q.    Thank you.

22                    So I believe you stated that as many as  
23            12 towers would be visible from the east  
24            overlook; is that correct?



1 A. (Widell) Yes.

2 Q. Did you, by chance when you were visiting,  
3 look at the ROW coming from Cape Horn to  
4 Israel's River?

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

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

19 A. (Widell) It may be --

20 Q. -- that direction.

21 Did your analysis take into  
22 consideration the fact that there are two  
23 parallel lines of structures in addition to  
24 the distribution poles?

1 A. (Widell) Yes. There will be five to six  
2 pairs of monopoles. And yes, that was taken  
3 into consideration in our assessment.

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

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

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

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

1 the landscape with regard to the proposed  
2 transmission line?

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

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

19 A. (Widell) Once again, if it were a historic  
20 property that had that is as part of its  
21 visual context. And I know you have one in  
22 your supplemental testimony that was in our  
23 assessment form and then also was -- an  
24 inventory form was completed for DHR. I'm

1           forgetting the precise --

2   Q.   Thank you.  That's all right.  So if I may go  
3       on.  So I want to just press that just  
4       slightly and then just one other question.

5           This is an 1862 picture by a well-known  
6       African American artist.  You know, did you  
7       look at any other examples of this period of  
8       19th century art and views of the landscape?

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

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

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

18   Q.   Okay.

19   A.   (Widell) This is the one.

20   Q.   Finally, you stated that there is no  
21       unreasonable adverse impact on Weeks State  
22       Park because the Project would not cause it  
23       to lose its integrity and be removed from the  
24       National Register.  There were other

1 characteristics or National Register criteria  
2 for adverse effect that could have been  
3 applied, and I wondered if you considered,  
4 for example, changes to characteristics or  
5 changes in the future.

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

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

21 A. (Widell) In my written testimony, it is one  
22 of the reasons broadly that I found that the  
23 Project did not cause an unreasonable adverse  
24 effect on historic resources. And the point

1           that you are pointing out is the indirect  
2           adverse effects on Weeks State Park.

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

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

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

20   Q.   This view.

21   A.   (Widell) -- and it does diminish the view,  
22          and that's why it was stated. And I agree  
23          that it is an adverse effect. But it does  
24          not -- it's not a focal point. It does not

1 prevent you from seeing the Presidential  
2 Range in that location.

3 MS. MORE: Thank you very much.

4 CHAIRMAN HONIGBERG: All right.

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

8 MR. WHITLEY: One second to set  
9 up?

10 CHAIRMAN HONIGBERG: Sure.

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

12 (Pause in proceedings)

13 CHAIRMAN HONIGBERG: Mr.

14 Whitley, you may proceed.

15 MR. WHITLEY: Thank you, Mr.

16 Chair.

17 CROSS-EXAMINATION

18 BY MR. WHITLEY:

19 Q. Good afternoon or morning, Ms. Widell.

20 Afternoon. Yeah.

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

23 Q. Good for you.

24 My name's Steven Whitley. I'm counsel

1 for several municipalities along the route:  
2 New Hampton, Deerfield, Pembroke, Littleton  
3 and the Water and Sewer Department of the  
4 Town of Ashland.

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

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

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

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

22 A. (Widell) Well, you just asked me something  
23 separate. Noise would be considered for  
24 effects. Noise would not be taken into



1 consideration for integrity or significance  
2 of a historic property.

3 Q. Okay.

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

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

11 A. (Widell) No.

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

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

21 Q. The audible noise of the underground portion?

22 A. (Widell) Hmm-hmm.

23 Q. You mean the construction, I presume?

24 A. (Widell) Yes.

1 Q. Okay. For the -- strike that.

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

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

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

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

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

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

24 Q. Maybe I'm not being very clear, so I'll back

1 up a second.

2 A. (Widell) Okay.

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

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

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

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

20 A. (Widell) Yes.

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

24 A. (Widell) Yes, that is how you begin

1           determining which historic properties need to  
2           be considered.

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

7    A.    (Widell) Yes.  Hmm-hmm.

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

12   A.    (Widell) Yes.

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

21   A.    (Widell) Yes.

22   Q.    Surely you're aware that that sort of an  
23          approach is going to dilute any adverse  
24          impacts that you may find, to the point that

1           it's almost a foregone conclusion that you're  
2           going to give the Project your blessing and  
3           not find an unreasonable adverse impact.

4   A.   (Widell) No, I disagree with that statement.

5   Q.   So let me --

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

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

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

17   A.   (Widell) Yes.

18   Q.   Okay. So let's assume that all six of those  
19          do indeed -- they have this adverse effect.  
20          I don't recall seeing or hearing you speak to  
21          what methodology you used to take those six  
22          properties and get to the point where you  
23          reached the conclusion that there was no  
24          unreasonable adverse effect. And I don't

1 believe you have -- I don't believe that's in  
2 your testimony, and I don't believe that  
3 you've testified to that.

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

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

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

22 Q. No, no.

23 A. (Widell) -- is it sufficient that it is in my  
24 testimony at that place?

1 Q. No. Thank you for that. And I appreciate  
2 the citation to Site 301.14. That's kind of  
3 what I anticipated your response would be.

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

13 A. (Widell) No. If you look at Site 301.14(b),  
14 the SEC is directed to look at all of the  
15 sites. So you're looking at all of the  
16 historic properties that were found and  
17 identified. And we know that universe at  
18 this point from DHR. There are seven or  
19 eight being submitted almost as we speak. So  
20 we know all of the historic sites, all of the  
21 archeological resources potentially affected.  
22 And then any potential adverse effects by  
23 going through that very carefully, property  
24 by property, applying the 36 CFR definition

1 of "adverse effect," we have a pretty good --  
2 a very good, very thoughtful idea of how many  
3 adverse effects are on those resources and  
4 then the number and significance of the  
5 adversely affected historic sites. So we're  
6 looking at, in my list of six, they're not  
7 just individual properties. They include the  
8 North Road Agricultural District, which has  
9 over a hundred properties in it, and then  
10 also Weeks State Park, which is an entirely  
11 different kind of property, and then Maple  
12 View Farm, which is an individual farm. So  
13 that is what that is referring to.

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

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

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

21 A. (Widell) Yes.

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

24 A. (Widell) No. I'm sorry. That's not what I



1 was referring to. Oh, at the bottom.

2 Q. At the bottom.

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

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

19 A. (Widell) I did not do that.

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

1           you would have done that calculation.

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

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

17   A.   (Widell) Yes, that --

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

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

23   Q.   Okay. All right. I want to turn now to one  
24          of the resources in the town of Deerfield,

1 and this is 47 Candia Road. If you give me  
2 just one second here, I'll pull up...

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

6 A. (Widell) Yes.

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

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

19 MR. WALKER: Yes, that's fine.

20 CHAIRMAN HONIGBERG: All right.

21 Mr. Whitley, you may proceed.

22 MR. WHITLEY: Thank you.

23 BY MR. WHITLEY:

24 Q. I'm going to turn now, Ms. Widell, to Page 12

1 of 27. And you see there the Statement of  
2 Integrity?

3 A. (Widell) Yes.

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

9 A. (Widell) Yes.

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

20 A. (Widell) Yes.

21 Q. Now I want to turn to the effects table for  
22 this property. And this will be marked as  
23 Joint Muni 265. And again it has the same  
24 header which we are going to not worry about.

1 But you see that on your screen there?

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

4 Q. It is.

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

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

10 A. (Widell) I do.

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

14 A. (Widell) Yes.

15 Q. You see in those two highlighted sections  
16 that the line runs north of the Deerfield  
17 historic center along a rise and crosses  
18 North Road, and it ranges in distance from  
19 .9 miles to over 1.1 miles away. Do you see  
20 that?

21 A. (Widell) Yes.

22 Q. And then the next little section talks about  
23 the types of structures. There's going to be  
24 towers ranging in height from 115 feet to

1 140 feet -- excuse me. One existing 115 line  
2 is going to be relocated to some new monopole  
3 structures, 83-1/2 to 101-1/2 feet --

4 A. (Widell) Yes.

5 Q. -- and an existing line along the north side  
6 is supported on a monopole which ranges from  
7 73 to roughly 88 feet; right?

8 A. (Widell) Yes.

9 Q. Okay.

10 A. (Widell) This is obviously in an existing  
11 corridor, and the description of the existing  
12 is at another location.

13 Q. Yes.

14 A. (Widell) So I just want to reiterate that  
15 these are --

16 Q. I know. And you'll -- I promise you that if  
17 there are things you need to say when we're  
18 one with the questioning --

19 A. (Widell) Thank you.

20 Q. -- you'll have an opportunity to do that.

21 A. (Widell) Okay. Thank you.

22 Q. So, on to the next page, which is Page 4.  
23 We're looking at the adverse effect  
24 evaluation. And I've highlighted a couple

1 segments there. But if you're flipping, tell  
2 me when you're there.

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

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

14 A. (Widell) Yes.

15 Q. See all that?

16 A. (Widell) Hmm-hmm.

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

24 A. (Widell) Yes.

1 Q. Okay. And did you prepare this form, or was  
2 it one of the contractors?

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

7 Q. Okay.

8 A. (Widell) In addition --

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

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

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

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

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

22 A. (Widell) And another thing which I think is  
23 very important to understand when you're  
24 looking at determining visual adverse effects



1 to a historic property, on this effects table  
2 there's discussion of significance and also  
3 integrity. And so, would seeing the very  
4 tops of the structures which are contrasted  
5 against the woods cause you not to understand  
6 the significance of this property? It's an  
7 18th Century house. It's been well cared  
8 for. The English barns, the door yard, the  
9 barn yard, the other vegetation that is  
10 there, would that cause an adverse effect on  
11 that historic property to the point where it  
12 would diminish what makes it eligible for the  
13 National Register?

14 Q. And I understand that. And I think that  
15 you've testified to that several times in the  
16 last couple days. So I'm going to try to  
17 keep us on track so that we can --

18 A. (Widell) Okay. I'm sorry. But it's not just  
19 whether you can see it. And that's really an  
20 important --

21 Q. I understand. I understand that's your  
22 opinion.

23 A. (Widell) Thank you.

24 Q. But let me ask the questions and then you can

1 answer them. Okay?

2 A. (Widell) Thank you.

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

8 A. (Widell) Yes.

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

14 A. (Widell) Yes.

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

18 A. (Widell) Yes.

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

22 A. (Widell) Hmm-hmm.

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

24 A. (Widell) Yes.

1 Q. Just for the stenographer.

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

7 A. (Widell) Yes.

8 Q. -- is that correct?

9 I'm going to put up now what's going to  
10 be marked as Joint Muni 266. And this is a  
11 letter recently submitted to the SEC, and  
12 this is from the owners of 47 Candia Road.  
13 Are you familiar with this letter?

14 A. (Widell) I am.

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

18 A. (Widell) Yes.

19 Q. If you look at that introductory paragraph  
20 there, the highlighted section, they dispute  
21 that there are -- and I'm paraphrasing  
22 here -- they dispute that there are limited  
23 views that would not alter and diminish  
24 aspects of the setting and landscape; rather,

1           they contend that there are prominent views  
2           of multiple towers in the Project corridor  
3           that will permanently and irreparably alter  
4           the historic setting and landscape of the  
5           property and its connection to Deerfield  
6           Center. Do you see that?

7    A.   (Widell) Yes.

8    Q.   And then later in the letter they go through  
9           some of the reasons why they feel that way.  
10           And the first one is, and that's in  
11           Paragraph 1 of the letter there, that there's  
12           a heavy reliance on foliage screening the  
13           property in the effects table. And the  
14           owners here make the point that leaf-off  
15           occurs six months out of the year, and in  
16           those conditions they can clearly see the  
17           historic Deerfield Community Church steeple.  
18           And that's from most of the barn field as  
19           well. And they point out that the elevation  
20           of the corridor behind the church is actually  
21           higher than the church, and the Project  
22           towers will extend more than twice the height  
23           of the steeple that's visible from the  
24           property. You see that?

1 A. (Widell) I see the statement, yes.

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

6 A. (Widell) Our effects evaluation was done  
7 leaf-on and leaf-off. I would not say that  
8 our evaluation is totally dependent on  
9 vegetation. The property -- the corridor is  
10 .9 of a mile to 1.1 of a mile away from the  
11 property. And this is visibility not from  
12 the buildings or the barns or the barnyard.  
13 This is visibility from -- that we said where  
14 there's limited visibility within the fields.  
15 I think that's very important. So it is --  
16 you're not going to see the structure in  
17 public views of the property and public views  
18 of the barn. The limited views are from the  
19 field behind the property on the north side.

20 Q. I'm going to move on to Paragraph 4 of this  
21 letter, which is -- and I'm just scrolling  
22 down the page here. And in this paragraph  
23 they're speaking about the vegetation around  
24 the field. And the owners point out that the

1 trees at the perimeter are not owned by them,  
2 that they're actually on an adjoining parcel.  
3 And there's no guaranty that those trees are  
4 going to be there tomorrow, two months, five  
5 years, ten years down the line. And assuming  
6 those trees are gone, there will be a  
7 significant visual impact on their property.

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

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

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

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

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

1 with the property.

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

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

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

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

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

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

24 A. (Widell) No, not without doing another

1 evaluation.

2 Q. Okay. Thank you.

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

5 MR. WHITLEY: No, it's --

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

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

11 CHAIRMAN HONIGBERG: How much  
12 more do you have?

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

15 BY MR. WHITLEY:

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

24 A. (Widell) I believe Photo 2 is in the



1 direction of the field on the north side of  
2 the barn.

3 Q. You're looking at the inventory form?

4 A. (Widell) No, I'm looking at Page 8 of the  
5 effects table. That's the field that is  
6 north of the barn.

7 Q. Ms. Widell, if you look at Page 5, this is  
8 the diagram that shows the pictures and what  
9 direction they're in. If you see Picture 2,  
10 it's actually due east, and it's not towards  
11 the Project corridor; isn't that correct?

12 (Witness reviews document.)

13 A. (Widell) It certainly appears that way on  
14 that piece of paper, yeah.

15 Q. So, again, there doesn't appear to be any  
16 pictures in the inventory or the effects  
17 table looking towards the Project corridor,  
18 does there?

19 A. (Widell) I can't speak to that without  
20 looking at it more carefully.

21 Q. Okay.

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

24 CHAIRMAN HONIGBERG: All right.

1 We'll break for 15 minutes.

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

4 CHAIRMAN HONIGBERG: Mr.  
5 Whitley, you may continue.

6 MR. WHITLEY: Thank you, Mr.  
7 Chairman.

8 Could I get the Apple TV back  
9 up, Dawn?

10 BY MR. WHITLEY:

11 Q. Hello again, Ms. Widell.

12 A. (Widell) Hello.

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

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

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

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

23 A. (Widell) Yes.

24 Q. Okay. And we've talked about this a couple

1 of times in the last couple days, so I'm  
2 fairly certain you're familiar with this;  
3 right?

4 A. (Widell) Yes, I am.

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

8 A. Yes.

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

10 A. (Widell) Yes.

11 Q. All right. Let's look through the portions  
12 of this effects table. We're first going to  
13 go to Page 3. And this is the description of  
14 the property, and I've highlighted here two  
15 statements which appear to contradict each  
16 other. The first one says that Upham Drive,  
17 the existing transmission line is very  
18 visible from the center of the district  
19 through the opening of that road. And then  
20 the next highlighted portion says rear  
21 portions of other lots have grown up to woods  
22 and have therefore been excluded because  
23 they're not visually connected. "For this  
24 reason, there are no significant views from

1 the district to the setting outside of the  
2 district." So I don't understand how you can  
3 have it both ways. You were saying just  
4 earlier that you have a clear view outside  
5 the district, and then the next sentence you  
6 said there are no views outside the district.  
7 So that's confusing to me. I don't  
8 understand how you can have both things.

9 A. (Widell) Let me explain. The Deerfield  
10 Center Historic District was placed on the  
11 National Register in 1980. And the  
12 discussion of the rear portion of lots that  
13 is in the paragraph right before 2 on what  
14 you're indicating is a description of the  
15 setting of the Deerfield Center Historic  
16 District at the time it was placed on the  
17 National Register. Obviously there have been  
18 changes since 1980 and all the places that we  
19 list. And that's the case, too, of  
20 Deerfield. There was, in 2003, a new road, a  
21 short, new road called Upham Drive that was  
22 put into the historic district. And it leads  
23 to Sherburne Woods, which is a new elderly  
24 housing project and --

1 Q. I understand that the listing predated Upham  
2 Drive coming into existence. And I  
3 understand that at the time this quotation  
4 from the National Register would then make  
5 perfect sense. But the following sentence,  
6 there's that statement from the National  
7 Register which is in quotations, and then  
8 there's a new sentence that says, "For this  
9 reason, there are no significant views from  
10 the district to the setting outside of the  
11 district." And that sentence is not in  
12 quotations, and I don't read that as being  
13 part of the initial National Register  
14 nomination in 2002. So, again, I don't  
15 understand how both of those can be correct,  
16 because just previously there's a statement  
17 that you can see outside the district from  
18 Upham Drive.

19 A. (Widell) Let me help you understand. So in  
20 establishing and discussing in a National  
21 Register nomination -- in this case, the  
22 setting for Deerfield Center Historic  
23 District -- it was important to talk about  
24 the fact that views outside of the district

1 from the rear portions were not significant.  
2 That's what they are establishing in the  
3 quoted area of the National Register  
4 nomination. And the statement behind it is  
5 just confirming that. "For this reason,  
6 there are no significant views from the  
7 district to the setting outside of the  
8 district."

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

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

20 Q. And I'm going to ask you about that in a  
21 second. I don't mean to interrupt. But I  
22 just want to get through these questions in a  
23 timely way. So you'll have an opportunity to  
24 speak to that in a second.

1           I want to turn now to Page 4. And this  
2           just talks about, again, the relationship of  
3           the Project to the property. And you see  
4           that highlighted portion there?

5    A.   (Widell) Yes.

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

14   A.   (Widell) Yes.

15   Q.   And I did some math, which tends to be  
16          problematic. But I mean .03 miles is about  
17          160 feet, a little less than 160 feet.

18   A.   (Widell) Hmm-hmm.

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

21   A.   (Widell) Yes. Hmm-hmm.

22   Q.   So a little further down on the page here is  
23          when we start getting into the adverse effect  
24          evaluation. And the first highlighted

1 sentence there, I'll just read it real quick.

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

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

19 Q. I'll pose the question again maybe another  
20 way. I understand your answer, but the kind  
21 of logical endpoint of that is there is  
22 nothing that can happen outside of the  
23 district that might be visible from within  
24 the district that could result in an adverse



1 visual impact. Is that --

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

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

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

23 Starting at the top, and this is Page 5,  
24 "...Project will not visible throughout the

1 District... not be visible in the majority of  
2 views... nor will it be prominently visible  
3 in the main public views... possibility of a  
4 brief view... will not dominate the view..."

5 Next paragraph, "...will be visible in  
6 some views..." and then "...the possibility  
7 of a view..." And then going down a couple  
8 paragraphs, there's "...the possibility of a  
9 view of a portion of the same structure..."  
10 And then towards the end here, "the  
11 occasional views represent a small percentage  
12 of multiple public views... on the whole...  
13 views from scattered locations... similar to  
14 the current isolated and filtered views...  
15 Largely in views that are not  
16 character-defining. The existing occasional  
17 views..."

18 And then at the end, and this is the  
19 concluding paragraph, "As a whole, several  
20 isolated views..." And again, the same sort  
21 of language, "occasional view... main public  
22 views... isolated views..." And then the  
23 last sentence is that there's not going to be  
24 any impact that would alter the

1 characteristics in a manner that would  
2 diminish its integrity or ability to convey  
3 significance.

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

10 MR. WALKER: Objection. Is  
11 there a question?

12 CHAIRMAN HONIGBERG: Not yet.

13 BY MR. WHITLEY:

14 Q. Do you agree with that?

15 A. (Widell) No. I think that it points to the  
16 care within which we made the assessment, and  
17 in each of these effects tables, of what the  
18 views are, what the significance of the  
19 historical resource is, and what the  
20 character-defining features of it and the  
21 setting are. So that's what you are looking  
22 at here is going through all those different  
23 things that contribute to your final decision  
24 as to what an adverse effect is on historic

1 property.

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

7 A. (Widell) Yes.

8 Q. I'm sorry?

9 A. (Widell) Yes.

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

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

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

21 A. (Widell) Yes.

22 Q. And the structure that was mentioned in that  
23 analysis as being in a lot of the views where  
24 the Project is visible is in the upper left

1 of this diagram, right here where the No. 4  
2 photo was taken; correct?

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

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

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

11 Q. I'll say it again.

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

13 Q. I didn't mean to confuse you.

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

23 A. (Widell) Yes. It is called the Deerfield  
24 Community Church.

1 Q. Thank you. And that is the measuring point  
2 that was referenced earlier as saying it was  
3 475 feet from the corridor.

4 A. (Widell) Yes.

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

7 A. (Widell) Yes, it is.

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

14 A. (Widell) Yes.

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

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

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

24 A. (Widell) Yes.

1 Q. Both of those statements are only true,  
2 though, if you don't really move any further  
3 down the street; right?

4 A. (Widell) No, not exactly.

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

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

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

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

24 Q. I know, I know --

1 A. (Widell) That's why I say it's not accurate  
2 to determine precisely what you would see  
3 without a photo simulation.

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

8 A. (Widell) Yes.

9 Q. Okay. I want to go to a different photo now,  
10 and this is one by Counsel for the Public's  
11 expert, Mr. Boyle. I guess it's not Mr.  
12 Boyle, but that's the name of the company.  
13 And you see this is from a slightly different  
14 perspective. But the steeple on the building  
15 right there, that's the same building we were  
16 just looking at; right?

17 A. (Widell) Yes.

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

20 A. (Widell) Yes, it is.

21 Q. Okay. And this is a much different view  
22 because the Boyle Company chose it to show a  
23 location that does not perhaps artificially  
24 diminish the magnitude of the view; correct?



1 A. (Widell) I can't say that it was chosen for  
2 that reason. This view is from the front of  
3 the old Deerfield Town Hall.

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

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

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

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

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

21 A. (Widell) Yes.

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

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

1 Yes.

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

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

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

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

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

19 A. (Widell) Yes.

20 Q. But it's more than that particular location,  
21 because as long as you're not viewing that  
22 tower from the position that Mr. DeWan was  
23 in, you're likely to have a view of that  
24 tower; correct?

1 A. (Widell) No, not exactly. Certainly in that  
2 portion of the historic district. But moving  
3 east, of course, you would not. And when you  
4 also move north it is not as visible. I have  
5 spent a great deal of time walking through  
6 that historic district to do this assessment.

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

12 A. (Widell) Yes.

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

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

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

23 The tower of the Project is not screened  
24 from where this picture is taken, is it?

1 A. (Widell) No, it is not.

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

5 A. (Widell) Yes.

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

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

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

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

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

23 "Impacts to this resource were  
24 considered unreasonable due to the height and

1 industrial character of the proposed  
2 structure when compared with the existing  
3 character of the town center. Although  
4 switching to a steel structure helps to  
5 reduce the impact, ultimately the height of  
6 the line needs to be lower to avoid  
7 visibility from this resource." Do you see  
8 that?

9 A. (Widell) Yes.

10 Q. And following this there are some pictures I  
11 want to put before you. So this just shows  
12 where the pictures we're about to see were  
13 taken from. And I can blow this up, Ms.  
14 Widell, just so you can see it a little  
15 clearer on kind of the satellite map here.  
16 But do you see the yellow dot?

17 A. (Widell) Yes.

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

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

22 Q. Okay. So this is -- I believe you're  
23 correct. That's not what Mr. DeWan -- this  
24 is the existing or the current condition

1 photograph. And this is Viewpoint DE-2 --  
2 oh, where is it -- 2B. And again, there's  
3 the Deerfield Community Center. You see that  
4 there in the photo?

5 A. (Widell) Yes.

6 Q. Okay. And now we're looking at DE-2E. And  
7 as we saw before, this is a visual simulation  
8 that shows the Project rising above the tree  
9 line right next to the steeple. Do you see  
10 that?

11 A. (Widell) I see it. I wouldn't characterize  
12 it as "right next to the steeple," but yes, I  
13 see what you're showing me here.

14 Q. Okay. And it's silhouetted by the sky;  
15 correct?

16 A. (Widell) Yes.

17 Q. That's a much more intrusive view than the  
18 current project corridor; is it not?

19 A. (Widell) Its structure is more visible than  
20 the existing project -- existing corridor.

21 Q. I'm going to turn now to Mr. Boyle's -- or TJ  
22 Boyle & Associates, their supplemental  
23 testimony. And this is their resource  
24 evaluation. And this is Counsel for the

1 Public 139, and it's Appendix F to that  
2 exhibit. And we're going to be looking at a  
3 couple pages here, F-89 through 91, for the  
4 record.

5 Have you seen this document before, Ms.  
6 Widell?

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

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

15 A. (Widell) No.

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

24 A. (Widell).

1 Q. That's the next highlighted section on the  
2 screen there.

3 A. (Widell) Yes.

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

9 A. (Widell) Yes.

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

20 A. (Widell) Yes, I see it.

21 Q. And now to the following page, which is F-90,  
22 it goes on to state, "It is culturally  
23 important and sensitive to visual intrusion  
24 or delegation from an industrial facility



1           that is insensitive to the community's values  
2           and sense of place." Do you see that?

3   A.   (Widell) Yes.

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

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

12   A.   (Widell) Yes.

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

17   A.   (Widell) No, I wouldn't agree. At the time  
18          that the Deerfield Historic District Center  
19          was nominated to the National Register, and  
20          in fact it states in the National Register,  
21          and is very visibly present even in the views  
22          from T.J. Boyle, that there's typical wooden  
23          utility poles that run along the southerly  
24          side of the street, and conductors that are

1 very visible within the setting of the  
2 historic district and in views of the  
3 historic buildings. Now, these are not  
4 typical -- and we have an opportunity to look  
5 at your photographs again -- just single  
6 telephone or light poles, but these are  
7 rather substantial with an arm that extends  
8 over and is visible within the T.J. Boyle.  
9 There are actually five that are quite  
10 visible from the front of the Deerfield Town  
11 Hall.

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

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

24 And lastly here, T.J. Boyle states in

1 the highlighted portion, "Impacts to the  
2 historic district are considered unreasonable  
3 due to the height and industrial character of  
4 the proposed structure when compared with the  
5 existing historic character and sense of  
6 place." Do you see that?

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

9 Q. I understand that.

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

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

14 A. (Widell) Yes.

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

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

18 MR. WHITLEY: Dawn, can I have  
19 the ELMO, please?

20 BY MR. WHITLEY:

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

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

23 Q. Okay.

24 MR. IACOPINO: If we're going to

1 see it, you're going to have to blow it up.

2 MR. WHITLEY: Okay. Give me one  
3 second.

4 MS. MONROE: I can help you,  
5 Steve.

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

8 BY MR. WHITLEY:

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

10 A. (Widell) Yes.

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

20 A. (Widell) Yes, I see it.

21 Q. The next highlighted portion is, "The  
22 proposed project will be visible to  
23 motorists, bicyclists, pedestrians from the  
24 historic church and along the scenic byway.

1           The duration of views will range from less  
2           than a minute for drivers and from five  
3           minutes to a half-hour or more for  
4           pedestrians, residents and visitors to the  
5           historic village and the church." Do you see  
6           that?

7           A.    (Widell) Yes.

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

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

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

17          BY MR. WHITLEY:

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

20          A.    (Widell) Not yet. Yes.

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

1           there?

2       A.     (Widell) Yes.

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

5       A.     (Widell) Yes.

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

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

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

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

22      Q.     Okay.

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

1 BY MR. WHITLEY:

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

3 A. (Widell) Yes, I see it.

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

8 Mr. Dodson states that the taller towers  
9 and more visible conductors will be highly  
10 visible from the village center and will  
11 cross the scenic byway near the entrance to  
12 the center. The proposed structures and  
13 conductors are silhouetted against the sky.  
14 A simulation of Deerfield Center by TD&A --  
15 and I'll represent to you that I'm fairly  
16 certain that's Terry DeWan -- downplayed the  
17 visual impacts of the proposed project. Do  
18 you see that there?

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

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

24 A. (Widell) We're really only talking about one

1 structure in looking at the Deerfield Center  
2 Historic District and determining adverse  
3 effects from that historic resources. This  
4 has a discussion of multiple structures and  
5 entrance, which is not the case. It's not  
6 visible from the entrance into the historic  
7 district.

8 Q. Is that a "Yes"?

9 A. (Widell) No.

10 Q. So you don't agree that the proposed  
11 structures and conductors are silhouetted  
12 against the sky?

13 A. (Widell) One is.

14 Q. Okay. The next highlighted --

15 A. (Widell) I didn't see any -- I did not see  
16 any wires. Conductors. Excuse me.

17 Q. Wires is fine.

18 The next highlighted section is, "The  
19 proposed project will introduce a large  
20 discordant feature immediately adjacent to an  
21 historically intact scenic village." Do you  
22 see that?

23 A. (Widell) Yes.

24 Q. Then the last highlighted portion, "The



1 Project is in full view of the historic  
2 church, the scenic byway and the town green,  
3 and is prominent in the foreground of the  
4 view." Do you see that?

5 A. (Widell) Yes.

6 MR. WHITLEY: Can I go back to  
7 the hardware, please, Dawn?

8 BY MR. WHITLEY:

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

11 A. (Widell) Yes, it is.

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

21 A. (Widell) No.

22 Q. Probably because this is the existing  
23 photograph. So let me go to the next one,  
24 which is Appendix A, 77. And you see there

1 the structure, the Project structure, rising  
2 above the tree line to the left of the  
3 community center?

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

5 Q. Yes, correct.

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

9 Q. No, I understand that.

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

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

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

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

1 (Witness reviews document.)

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

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

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

21 Q. And just to be clear, in going through the  
22 exercise of the effects table, you did have  
23 before you and considered these other photo  
24 simulations other than Mr. DeWan's.

1 A. (Widell) Yes, I did.

2 Q. Okay. I'm going to put up now the testimony  
3 of 106 Associates, which I believe you are  
4 familiar with; correct?

5 A. (Widell) I am familiar with it.

6 Q. For the record, this is Deerfield Abutter 46.  
7 And I think you'd agree with me, Ms. Widell,  
8 that 106 Associates, Mr. Newman, is a  
9 historic resources expert with 25 years'  
10 experience in New England; isn't that  
11 correct?

12 A. (Widell) He has indicated that and provided a  
13 resume to that effect.

14 Q. Okay. He states as much on Page 1 of his  
15 testimony, Lines 6 through 7 and 21 through  
16 24. But I'll represent to you that that's  
17 basically what it states.

18 A. (Widell) Yes.

19 Q. He disagreed with your conclusions as to the  
20 resources in Deerfield; correct?

21 A. (Widell) Yes.

22 Q. Turning to Page 2 of his testimony, Lines 15  
23 through 22, "The existing transmission  
24 infrastructure is generally obscured and

1           backdropped by tree cover and hillsides. The  
2           proposed project increases the height by up  
3           to 50 percent and the tower profile by up to  
4           500 percent, with the result that the new  
5           towers would extend well above the tree  
6           canopy, be backdropped by the sky and the  
7           horizon in many instances, and loom over the  
8           historic district in a way that substantially  
9           degrades its scale, aesthetics and integrity.  
10          In my expert opinion, based on my experience  
11          reviewing over 2,200 infrastructure projects  
12          for effects to historic sites, the net effect  
13          of the proposed Northern Pass Project on this  
14          [sic] historic district is unreasonably  
15          adverse." Do you see that?

16        A.   (Widell) I see it.

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

23                    The first highlighted section there is,  
24                    "Contrary to the Applicant's assertion, the

1 proposed transmission line will be clearly  
2 and prominently visible from multiple  
3 locations within the Deerfield Center and  
4 Nottingham Road Districts and form a visual  
5 barrier between the two districts." Do you  
6 see that?

7 A. (Widell) I see it stated.

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

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

24 Q. I understand. My question, and maybe I

1           wasn't specific enough, was just in reference  
2           to that statement that I just read. So you  
3           did agree that the towers increase by 30 to  
4           40 feet.

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

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

9   Q.   And then he goes on and says --

10  A.   (Widell) And it's only one.

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

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

18  Q.   And then the last highlighted section is that  
19       the visual impact of the infrastructure would  
20       be jarring and offend the expectations of the  
21       typical viewer within the district  
22       boundaries, and the visual intrusion would be  
23       in close proximity to the historic district,  
24       would extend east and west as far as the

1 viewer could see, would be effectively  
2 permanent, and there's no way to effectively  
3 screen this equipment which varies in heights  
4 up to 140 feet. Do you see that?

5 A. (Widell) I see that stated.

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

12 CHAIRMAN HONIGBERG: Mr.  
13 Whitley.

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

19 CHAIRMAN HONIGBERG: I've heard  
20 of lot of the first. I think I heard one of  
21 the second. If you want to ask her if she  
22 agrees with certain statements made by others,  
23 you can ask her that. But I'm a little  
24 surprised Mr. Walker didn't object to this a



1 long time ago, because all you've been doing  
2 for much of the last 30 minutes is reading  
3 other people's testimonies and reports and  
4 saying, "Do you see that?"

5 MR. WHITLEY: I'll move on.

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

13 MR. WHITLEY: Thank you, Mr.  
14 Chair.

15 BY MR. WHITLEY:

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

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

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

23 You reference and object to Mr. Newman's  
24 analysis of unreasonable adverse effect on

1           this resource; isn't that correct?

2    A.   (Widell) Where is that statement made?

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

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

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

14   A.   (Widell) Yes.

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

20   A.   (Widell) Yes. The more important ones would  
21          be the public views from in front of the  
22          buildings, and that was looked at with the  
23          Deerfield Community Church. And in fact,  
24          that structure is not visible when you are

1 standing in front of that church and  
2 appreciating and understanding its  
3 architecture.

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

6 If the view is changed and the observer  
7 now sees the streetscape backdropped by  
8 130-foot towers and high-voltage wires, are  
9 you saying that this contributing historic  
10 view is somehow not affected because the  
11 tower happens to be located outside of the  
12 district?

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

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

21 A. (Widell) They are not typical. They are  
22 quite large. And they have a cross-beam  
23 which is quite visible in all of the photo  
24 simulations that we've seen.

1 Q. Doesn't the National Register refer to them  
2 as "typical"?

3 A. (Widell) I think they call them "utility  
4 poles." I'd have to look.

5 Q. Let's go to the following --

6 A. (Widell) "Typical wooden utility poles run  
7 along the southerly side of the street, and  
8 conductors for the local distribution line  
9 are very visible within the setting of the  
10 historic district."

11 Q. And you're reading from where?

12 A. (Widell) The effects table.

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

21 A. (Widell) Yes.

22 Q. So that intrusion you spoke of, that modern  
23 intrusion, is not the same thing as what this  
24 project is proposing, is it?

1 A. (Widell) That's not true. The visibility of  
2 this structure is a modern intrusion as well  
3 into a national registered historic district.  
4 And unlike seven of them, this is one. At  
5 least seven within that immediate vicinity.

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

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

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

17 A. (Widell) It is a modern intrusion, a single  
18 structure that is visible within a district  
19 that already has a number of modern  
20 intrusions. So the existing integrity of the  
21 district is somewhat diminished already, and  
22 I do not believe that the visibility of this  
23 one structure would cause an adverse effect  
24 to this district.

1 Q. No, I understand that's your opinion. But  
2 isn't this project far greater in scope and  
3 size than the presently existing typical  
4 wooden utility poles that are in the  
5 district?

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

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

15 CHAIRMAN HONIGBERG: Ms. Pacik.

16 MS. PACIK: Thank you.

17 Can we get the Apple TV over  
18 here?

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

21 CHAIRMAN HONIGBERG: Absolutely.  
22 Let's take five minutes.

23 (Recess taken at 4:08 p.m., and the  
24 hearing resumed at 4:12 p.m.)

1 CHAIRMAN HONIGBERG: Ms. Pacik,  
2 you may proceed.

3 CROSS-EXAMINATION

4 BY MS. PACIK:

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

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

1 A. (Widell) Yes.

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

9 A. (Widell) Yes.

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

13 A. (Widell) Yes.

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

18 A. (Widell) Yes.

19 Q. So that was over four months ago.

20 A. (Widell) Hmm-hmm.

21 Q. In fact, in terms of your statement that one  
22 of the cultural landscape study area reports  
23 is nearly completed and will be submitted to  
24 New Hampshire DHR very soon, that has not



1           been submitted to the New Hampshire Division  
2           of Historical Resource, has it?

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

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

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

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

20      A.     (Widell) They are not coming directly from  
21           me. They are coming from the Public  
22           Archeological Laboratory, which is part of  
23           the Northern Pass team, which has completed  
24           all of the cultural landscape studies.

1 Q. Okay. They may have completed them all, but  
2 the Department of Energy has not yet received  
3 them all, have they?

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

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

12 A. (Widell) Yes.

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

15 A. (Widell) With the Department of Energy.

16 Q. Okay. Correct. So my e-mail -- I don't want  
17 to read the whole thing, but I'll try to  
18 summarize it -- is basically to confirm our  
19 conversation this morning that the cultural  
20 landscape study area reports for the proposed  
21 Northern Pass Transmission Line Project are  
22 still being prepared by the consultants for  
23 Northern Pass and that all of the reports  
24 have not yet been submitted to the Department

1 of Energy. This is also to confirm that the  
2 cultural landscape study area reports will  
3 not be available to the consulting parties  
4 and/or the public until after the Department  
5 of Energy completes its review and forwards  
6 the documents to the New Hampshire Division  
7 of Historical Resources. Do you see that?

8 A. (Widell) Yes.

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

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

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

24 A. (Widell) Yes.

1 Q. So your understanding is first they have to  
2 complete their review, and then it can get  
3 forwarded to the Division of Historical  
4 Resources.

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

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

22 A. (Widell) Yes.

23 Q. And then she says, "As discussed on the  
24 cultural landscape call from November 1st,

1           2016, DOE will make the cultural landscape  
2           reports available to consulting parties  
3           concurrent with the DOE's submission of the  
4           reports to New Hampshire DHR for New  
5           Hampshire DHR's review." Do you see that?

6           A.    (Widell) Yes.

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

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

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

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

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

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

23          Q.    So in terms of the people in this room today  
24          that have seen these forms, you have seen

1           them; right?

2       A.     (Widell) Yes.

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

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

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

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

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

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

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

17      A.     (Widell) I do not know that.

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

23      A.     (Widell) You don't have the cultural  
24           landscape reports.

1 Q. Right. And we don't know what DOE or the  
2 Division of Historical Resources will find in  
3 terms of what the effects are of this new  
4 transmission line to cultural landscapes.

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

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

13 A. (Widell) Yes.

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

16 A. (Widell) Yes.

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

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

21 Q. Reports.

22 A. (Widell) Yeah.

23 Q. And as we sit here today, in terms of the  
24 parties to the case, we can't even ask you

1 questions about those reports because we  
2 don't have them, do we?

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

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

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

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

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

22 A. (Widell) Yes. DHR does not do that as part  
23 of the Section 106 process. But in Site  
24 301.14(b) of the SEC application criteria for



1           determining an unreasonable adverse effect,  
2           you will see that under 4, the findings and  
3           determinations by the New Hampshire Division  
4           of Historic Resources, of the Department of  
5           Cultural Resources and, if applicable, the  
6           lead fellow agency of the proposed facilities  
7           on historic sites, as determined under  
8           Section 106 of the National Historic  
9           Preservation Act, is one of the criteria in  
10          the rules.

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

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

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

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

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

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

1 areas.

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

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

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

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

18 Q. But let's talk about the Programmatic  
19 Agreement. Say hypothetically there's a  
20 determination that there is going to be an  
21 adverse effect to a historic resource. Then  
22 you're going to have a Programmatic  
23 Agreement. And in the Programmatic Agreement  
24 they're going to want, first, at least to be

1           some sort of avoidance or minimization to  
2           that historic resource; right?

3    A.    (Widell) Yes.

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

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

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

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

24   Q.    Okay. There's a difference, though, between

1 the regional cultural landscape analysis  
2 versus specific properties that you reviewed;  
3 right?

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

11 Q. So nobody needs those cultural landscape  
12 reports?

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

22 Q. So as you sit here today, it's your opinion  
23 that nobody needs to look at the cultural  
24 landscape reports because no information is

1 going to be provided in them, anyways; is  
2 that right?

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

4 Q. Okay. I just wanted you to --

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

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

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

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

24 A. (Widell) We looked at Maple View Farm for

1 avoidance and minimization. I'm not seeing  
2 any way that we were able to do more  
3 avoidance and minimization. The Project is  
4 going within an existing corridor there. I  
5 believe we are doing monopoles in that  
6 location, which are making the Project less  
7 than use of lattice structures. But they are  
8 very visible to Maple View Farm. They are a  
9 focal point, and they will adversely affect  
10 that connected farmstead.

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

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

21 Q. And I just want to talk to you because you've  
22 suggested that the Site Evaluation Committee  
23 should rely on these Programmatic Agreements  
24 and how they address impacts. But in terms

1 of mitigation, mitigation can range from  
2 paying money to preserve another resource to  
3 taking photographs of the historic resource  
4 to at least document what it looked like at  
5 one time; is that right?

6 A. (Widell) Yes.

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

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

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

24 A. (Widell) That is your example --

1 Q. Okay.

2 A. (Widell) -- of a mitigation. But there are  
3 many, many different ways to do mitigation.

4 Q. But in terms of mitigation, we agree that the  
5 mitigation isn't going to address the adverse  
6 effect to that specific historic resource;  
7 right?

8 A. (Widell) It depends. It can address directly  
9 the adverse effects to an individual property  
10 or all of them together.

11 Q. But it's not going to lessen the adverse  
12 effect to that property in terms of how -- in  
13 terms of avoidance or minimization.

14 A. (Widell) You always attempt to do avoidance  
15 and mitigation first, and then if you are not  
16 able to do that, then you move to mitigation  
17 of the adverse effect.

18 Q. Okay. Now, we talked about Maple View Farm.  
19 And I actually want to look at it for a  
20 moment. It's been marked and shown  
21 previously to you. And it's marked as  
22 Counsel for the Public Exhibit 436. I think  
23 I highlighted some sections of it, so bear  
24 with me as we scroll down for a moment.



1           That's a picture of Maple View Farm on Shaker  
2           Road; is that correct?

3    A.     (Widell) Yes.

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

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

11   BY MS. PACIK:

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

15   A.     (Widell) Yes.

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

19                           (Pause in proceedings)

20   Q.     In terms of the findings that you had made  
21          for this particular property, if you go up a  
22          few boxes above, it talks about the fact that  
23          new transmission structures within the  
24          property --

1 MS. PACIK: Can you scroll down?

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

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

18 Q. Okay. Thank you for fixing that.

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

23 A. (Widell) Yes, because the size and type of  
24 structures are going to be changed. The

1 existing corridor has been there since 1928,  
2 so it has been part of this setting for a  
3 long time. But these changes will cause an  
4 adverse effect to this historic property.

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

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

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

19 A. (Widell) I can't speak to that directly  
20 because I'm not an engineer that deals with  
21 the placement of transmission lines for  
22 safety and effectiveness. So I can't speak  
23 to that. It is something that you're  
24 suggesting.

1 Q. So let's just assume hypothetically that it  
2 was feasible from an engineering standpoint  
3 to relocate the lines a little bit away from  
4 this historic resource that's eligible for  
5 the National Register of Historic Places in  
6 order to avoid or minimize the impacts to  
7 this property. You would agree that it would  
8 be reasonable to pursue that option, wouldn't  
9 you?

10 A. (Widell) Is that a hypothetical?

11 Q. Yes.

12 A. (Widell) Yes. Absolutely, yeah.

13 MS. PACIK: Let's show Exhibit  
14 263. And this has been marked as Joint Muni  
15 263, for the record.

16 BY MS. PACIK:

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

21 A. (Widell) Yes.

22 Q. And you can see that there's vacant land  
23 surrounding the existing corridor. Do you  
24 see that?

1 A. (Widell) Yes. Yes, on either side of the  
2 corridor there are no structures that I can  
3 see other than Maple View Farm.

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

10 A. (Widell) Yes.

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

16 A. (Widell) No.

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

20 A. (Widell) No.

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

24 A. (Widell) No, I wouldn't know that.

1 Q. Okay. And did you ever suggest that perhaps  
2 the Northern Pass Transmission Project  
3 contact the property owner there with all  
4 that vacant land to see if it would be  
5 possible to minimize or avoid the impacts by  
6 relocating the line?

7 A. (Widell) No.

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

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

14 Q. Okay. Now, in your testimony you state --  
15 and let's go to your testimony for a moment.  
16 This is your testimony from October 16th,  
17 2015. And on Page 8, starting at Line 21...  
18 for some reason my highlighting got lost. I  
19 apologize. But I'll read it to you, which is  
20 on Line 21. It says, "Locating 99.5 miles of  
21 the line in existing transmission  
22 rights-of-way is a very effective way of  
23 avoiding impact altogether or minimizing  
24 effects on historic resources."

1           Now, in Concord, all of the line goes  
2           through an existing corridor; is that right?

3     A.     (Widell) Yes.

4     Q.     Okay. And the corridor already contains a  
5           transmission line.

6     A.     (Widell) Yes.

7     Q.     The proposed project will be increasing the  
8           height of one of those transmission lines  
9           that's in there?

10    A.     (Widell) Yes.

11    Q.     And it will be adding a new line; is that  
12           right?

13    A.     (Widell) Yes.

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

20    A.     (Widell) It caused an adverse effect by, in  
21           this case, by going in the existing corridor.  
22           But given that, the existing corridor, I  
23           believe in this case, has been there since  
24           1928. And other places it definitely does.

1 Q. Okay. So let's talk about the existing  
2 corridor. Have you ever heard of the concept  
3 of "cumulative impacts"?

4 A. (Widell) Yes.

5 Q. And the Department of Energy actually  
6 addresses this concept of cumulative impacts  
7 in its report. It's an environmental  
8 assessment; is that right?

9 A. (Widell) Yes.

10 Q. So if we turn to what's been marked as Joint  
11 Muni 261, it talks about cumulative impacts.  
12 And we'll go to Chapter 5. These are just  
13 excerpts. It's a few pages of the entire  
14 EIS, which is several hundred pages long.  
15 But if we scroll down, hopefully it's  
16 highlighted. We'll find -- ah, yes, it is.  
17 Excellent.

18 So, under Section 5.1.1.3,  
19 Alternative 2, which I'll represent to you is  
20 applicable to this project, they talk about  
21 the fact that cumulative visual impacts  
22 result from the combined, incremental effects  
23 of human activity on the landscape. And when  
24 they talk about "human activity," that could



1           be pre-existing poles that already exist; is  
2           that right?

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

5       Q.     Sure. I'll try.

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

13      A.     (Widell) In some cases, yes.

14      Q.     Okay. And so then they talk in the next  
15          paragraph that I highlighted, it talks about,  
16          "The overall contrast of proposed new energy  
17          generation facilities and related  
18          infrastructure in a natural-appearing  
19          landscape creates the conditions for  
20          potentially widespread scenic degradations."  
21          And then it talks about three types of  
22          cumulative impacts. And the one I want to  
23          talk to you about is the first one we  
24          highlighted, which is "combined." And

1 combined is where a viewer could see multiple  
2 projects from a stationary point, each  
3 separated by a minimum distance. In this  
4 case, what we're dealing with by adding a new  
5 line into an existing corridor, we're dealing  
6 with combined impacts, aren't we?

7 A. (Widell) No, not necessarily.

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

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

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

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

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

22 A. (Widell) Yes.

23 Q. Okay. So, adding a new line to an existing  
24 transmission corridor can actually make it

1 worse. You would agree with that; right?

2 A. (Widell) Yes.

3 Q. Now, we've talked about Maple View in terms  
4 of a historic resource in Concord.

5 And I want to talk for a moment about  
6 other effects tables. And other effects  
7 tables have been provided for sites in  
8 Concord; is that right?

9 A. (Widell) Yes.

10 Q. And to date, you have not determined that any  
11 of those other tables will have an adverse  
12 effect; right?

13 A. (Widell) Yes.

14 Q. Okay. So the only one that you found an  
15 adverse effect for is Maple View Farm?

16 A. (Widell) In Concord, yes.

17 Q. And I want to talk about the Oak Hill  
18 Agricultural District. And that was recently  
19 submitted as an addition to the Applicant's  
20 Exhibit 196, which is where I want to go.  
21 And the Oak Hill Agricultural District, I  
22 assume you're pretty familiar with this  
23 particular area?

24 A. (Widell) Yes, I am familiar.

1 Q. And it was only recently determined eligible  
2 for the National Historic Register; right? I  
3 think it was within the last couple weeks  
4 there was a decision.

5 A. (Widell) Determined eligible, yes.

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

9 A. (Widell) Yes.

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

13 A. (Widell) Yes.

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

15 A. (Widell) Yes.

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

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

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

24 A. (Widell) Yes.

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

6 A. (Widell) Yes.

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

11 A. (Widell) Some limited views, yes.

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

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

23 A. (Widell) Yes.

24 Q. How many of those poles are 92.5 feet?

1 A. (Widell) I cannot tell you precisely. It is  
2 not in the effects table, but that was looked  
3 at in the materials that were provided for  
4 that.

5 Q. Do you know if multiple poles are 92 feet?

6 A. (Widell) I can't tell you that precisely.

7 Q. Are you aware that, on average, we've been  
8 told that for the V182, which is that  
9 existing 115 line in Concord, the average  
10 height is 75 feet? Are you aware of that?

11 A. (Widell) No, I'm not aware of what they told  
12 the City of Concord.

13 Q. Okay. Now, it talks about the other existing  
14 115 line which is on an H-frame structure.  
15 And that's also wood; is that right?

16 A. (Widell) Yes. H-frame structures are usually  
17 wood, yes.

18 Q. And those are currently 43 to 56.5 feet in  
19 height, and they will be almost doubled to 79  
20 to 101.5 feet in height; right?

21 A. (Widell) Yes.

22 Q. And then there's a new line which is going to  
23 be in the middle on a weathering steel  
24 H-frame, and that's going to be 80 to

1 110 feet in height; right?

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

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

6 A. (Widell) Yeah, thank you.

7 Q. Do you see that?

8 A. (Widell) Yes. Thank you.

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

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

21 A. (Widell) I think you will see that that is  
22 described on Page 4 in another portion in  
23 this particular statement. They're talking  
24 specifically about 115 kV and the 345 kV.

1 Q. Right. And you would agree with me that the  
2 poles are going to get higher --

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

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

6 (Witness reviews document.)

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

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

24 So it sounds like the existing



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

7 A. (Widell) Yes.

8 Q. And then, when you talk about the fact that  
9 there's not going to be any adverse effect in  
10 the next paragraph, you state, or somebody  
11 states that the Project will not introduce  
12 visual elements that diminish the integrity  
13 of the setting and landscape, basically  
14 because the proposed new structures will be  
15 13.5 feet or less higher than the structures  
16 of the existing 115 line. That's what it  
17 says; right?

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

22 Q. Where does it say that?

23 A. (Widell) The third paragraph on Page 5.

24 Q. That's the views of historic built resources.

1 But there will be views in other areas;  
2 right?

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

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

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

12 (Pause in proceedings)

13 BY MS. PACIK:

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

17 A. (Widell) Yes, various views of the Project,  
18 in the second paragraph up from the bottom of  
19 Page 5, located a half-mile to nearly a mile  
20 or more way. At these distance, the  
21 structures in some instances, only the upper  
22 half or third and conductors will be seen  
23 against a backdrop of trees along the  
24 westerly corridor. They will not stand out

1 significantly from the background. These  
2 views are peripheral views to the southwest,  
3 not in the primary views of the historic  
4 district to the south. In most, if not all,  
5 of these instances, the peripheral views now  
6 include the existing transmission line --

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

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

11 Q. Okay.

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

15 Q. Thank you?

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

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

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

24 BY MS. PACIK:

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

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

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

14 A. (Widell) Yes, limited.

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

18 But at some point you do state that one  
19 of the reasons why you think that there's no  
20 adverse effect is because, if you look at the  
21 property as a whole and the size of the  
22 district, the few locations that will be  
23 impacted in terms of the entire scale of the  
24 property are minimal; is that right?

1 A. (Widell) Yes.

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

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

9 Q. So the bigger the district --

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

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

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

24 Q. Well, I think we just agreed that there are

1 views in areas where there will be  
2 visibility; correct?

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

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

13 A. (Widell) No.

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

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

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

20 CHAIRMAN HONIGBERG: Off the  
21 record.

22 (Discussion off the record.)

23 BY MS. PACIK:

24 Q. So, looking at the Department of Energy's

1 Environmental Impact Statement, it talks  
2 about KOPC04, which is the area at Turtle  
3 Pond. Do you see that? And it's  
4 highlighted.

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

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

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

18 And then under Alternative 2, it would  
19 include the installation of monopole and  
20 H-frame structures at this location. And  
21 under Alternative 2, the contrast dominance  
22 rating would be strong, which indicates that  
23 the visual change would be large and would  
24 likely be considered adverse by a casual

1           observer, and depending on the sensitivity of  
2           the setting, it may be considered  
3           unreasonable. Do you see that?

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

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

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

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

24   A.   (Widell) Yes, and that was clearly described



1 in the effects table that we just reviewed.  
2 But I do not know where the boat access  
3 facilities is or this portion that is being  
4 assessed under different criteria.

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

8 A. (Widell) Yes.

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

11 A. (Widell) Yes.

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

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

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

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

24 Q. Okay. Now, you do not know if the Division

1 of Historic Resources is going to agree with  
2 your opinion that there's no adverse effect  
3 on the Oak Hill Agricultural District, do  
4 you?

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

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

13 A. (Widell) They have not.

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

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

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

23 A. (Widell) There are.

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

1 ask you about those today because we haven't  
2 seen them; right?

3 A. Yes.

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

5 CHAIRMAN HONIGBERG: All right.  
6 So what we're going to do is break for a few  
7 minutes to allow people who aren't allowed to  
8 be here to leave, and we'll do whatever else we  
9 might want to do in those five minutes. And  
10 then we'll reconvene to allow Ms. Pacik to do  
11 the confidential questions, and then we will be  
12 done for the day.

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

17

18

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20 HEARING CONCLUDED AT 5:27 P.M. AT THE

21 END OF THE CONFIDENTIAL PORTION.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed  
Shorthand Court Reporter and Notary Public  
of the State of New Hampshire, do hereby  
certify that the foregoing is a true and  
accurate transcript of my stenographic  
notes of these proceedings taken at the  
place and on the date hereinbefore set  
forth, to the best of my skill and ability  
under the conditions present at the time.

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

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Susan J. Robidas, LCR/RPR  
Licensed Shorthand Court Reporter  
Registered Professional Reporter  
N.H. LCR No. 44 (RSA 310-A:173)

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