

**STATE OF NEW HAMPSHIRE**  
**SITE EVALUATION COMMITTEE**

**August 30, 2017 - 1:47 p.m.**  
49 Donovan Street  
Concord, New Hampshire

**DAY 29**  
**Afternoon Session ONLY**

*{Electronically filed with SEC 09-11-17}*

**IN RE:       SEC DOCKET NO. 2015-06**  
**NORTHERN PASS TRANSMISSION -**  
**EVERSOURCE; Joint Application of**  
**Northern Pass Transmission LLC and**  
**Public Service 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:**

<b>Chmn. Martin Honigberg</b> <i>(Presiding Officer)</i>	Public Utilities Comm.
<b>Cmsr. Kathryn M. Bailey</b>	Public Utilities Comm.
<b>Dir. Craig Wright, Designee</b>	Dept. of Environ.Serv.
<b>Christopher Way, Designee</b>	Dept. of Business & Economic Affairs
<b>William Oldenburg, Designee</b>	Dept. of Transportation
<b>Patricia Weathersby</b>	Public Member
<b>Rachel Dandeneau</b>	Alternate Public Member

**ALSO PRESENT FOR THE SEC:**

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

Pamela G. Monroe, SEC Administrator

*(No Appearances Taken)*

**COURT REPORTER: Cynthia Foster, LCR No. 14**

I N D E X

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VICKY BUNKER

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**P R O C E E D I N G S****(Hearing resumed at 1:47 p.m.)**

PRESIDING OFFICER HONIGBERG: All right.  
We are going to resume with the Bethlehem to  
Plymouth Group, Ms. Meyer. You may proceed.

**CROSS-EXAMINATION****BY MS. MEYER:**

Q Thank you. And if it's okay with everybody,  
I'll do the presentation from back here if you  
can see me okay.

A (Widell) Yes.

Q Let's see. Just by way of introduction, I'm  
Barbara Meyer, and I'm a member of the Abutting  
Property Owners from Bethlehem to Plymouth Group  
so that puts us on the underground portion of  
the line. For the most part, I'm 116, 112, that  
general area, Franconia, Easton.

Okay. So I wanted to start with Ms.  
Widell. In your Prefiled Testimony, you  
indicated that there's, it's unlikely that there  
would be adverse effects to historical resources  
along the buried portion of the route, but I'd  
like to ask nevertheless if you recall part of  
the underground route at the north end of

1 Franconia where there are a cluster of older  
2 homes, homes with foundations dating from the  
3 1790s, 1800s, there's probably I'm guessing  
4 maybe a dozen homes like that, and they're all  
5 within very close proximity of the pavement  
6 where the construction would be accomplished.  
7 They're like maybe 15 or 20 feet from the  
8 pavement. So I don't know. Do you recall  
9 seeing those houses in Franconia?

10 A (Widell) I've been along the underground line,  
11 but I do not know precisely the properties you  
12 are talking about.

13 Q Do you have any recollection of the north end of  
14 Franconia where there are those small homes  
15 close to the road?

16 A (Widell) No. Not as I sit here right now.

17 Q Okay. Do you have an opinion about what the  
18 impact of construction might be on homes that  
19 have a foundation from the early 1800s being,  
20 you know, within 15 feet of excavation and  
21 blasting?

22 A (Widell) The effects, the direct effects are all  
23 being considered and Effects Tables are being  
24 prepared right now. The Project will take that

1           into account. And my understanding is that the  
2           blasting will be avoided, if at all possible.

3       Q     So are these properties, they're not on your  
4           list of adversely effected buildings, correct?

5       A     (Widell) No. They're not on the list of  
6           adversely affected buildings. They would be in  
7           the entire underground, the Project area is on  
8           the area where there could be adverse effects,  
9           and they will be determined through direct  
10          effects, and for the most part that is very near  
11          completion at this time.

12      Q     Can you state that a different way? Because I  
13          wasn't following you.

14      A     (Widell) Yes. Each historic property that is  
15          along the underground route is being assessed  
16          for direct adverse effects, be it where there  
17          might be digging that would affect the  
18          vegetation or walls or vibration.

19      Q     Okay. So I take it for these particular homes,  
20          and I do want to get more into the idea of  
21          what's going on on the rest of the underground  
22          route along 116, but for a minute still sticking  
23          with this cluster of homes in the northern part  
24          of Franconia, because they're so close to the

1           blasting, they're obviously old homes, has  
2           anybody visited those properties? Has anyone  
3           from either your team or the Applicant visited  
4           those homes?

5       A     (Widell) Yes, and my team is part of the  
6           Applicant. Yes, Preservation Company and I are  
7           preparing and have prepared Effects Tables on  
8           portions of the underground route, yes. So they  
9           which look very carefully at historic properties  
10          and features that are close to the road that  
11          contribute to the significance of those  
12          properties.

13       Q     Okay. So now moving on to the other parts of  
14           the underground route, say along 116, in your  
15           Prefiled Testimony, and I could give you the  
16           specific reference if you need to, but it's only  
17           one sentence that I'm going to cite here so I  
18           could just read it.

19                    You say, "In the underground segments of  
20           the Project, it is very unlikely that there will  
21           be adverse effects to historic resources because  
22           the transmission lines will be buried within the  
23           already disturbed area of existing roadways."

24                    So my question now is because it looks like

1 the Project now could be sited at more the outer  
2 edge of the roadway that would put the Project  
3 potentially 20 feet maybe from the pavement into  
4 front yards into the undisturbed areas, don't  
5 you need to redo your analysis of that  
6 underground portion of the line?

7 A (Widell) As I indicated, we are assessing the  
8 underground portions and have done a number of  
9 properties at this time to take that into  
10 account that the Project may not be in the  
11 center of the roadway but within the area of  
12 potential effect on either side of the roadway.  
13 We are looking at that very carefully.

14 Q So what maps are you using? How far are you,  
15 your maps, how much are they showing the Project  
16 now moving into front yards?

17 A (Widell) Well, the area of potential effect that  
18 we need to consider, and the Project, I believe,  
19 is limited to 20 feet on either side of the  
20 pavement.

21 Q Okay. So it is the 20-foot number.

22 And do you have maps that show an inventory  
23 of where our stone walls, where there might be  
24 particularly historic buildings, historic trees

1 that are very large and so would have some  
2 significance? Do you have maps that show that  
3 on your inventory even though initially you were  
4 asked to just look at the, you know, assume it's  
5 a Project under the pavement. Now it's  
6 expanded. Do you have maps that show  
7 inventories of those things you'd need to look  
8 at?

9 A (Widell) I do know that our team has looked at a  
10 historic transportation map that indicates some  
11 of those features, and, of course, through site  
12 visits we are identifying those features that  
13 contribute to the significance of the property.

14 Q When will the public be able to access the kind  
15 of data that you're using?

16 A (Widell) I can't answer that. I don't know.  
17 The transportation map is probably available to  
18 the public.

19 Q The what map? Could you repeat that?

20 A (Widell) The map that we are using that is a  
21 historic transportation map that indicates walls  
22 and features along that roadway.

23 Q Do you know where we could access that?

24 A (Widell) Through the Department of



1 Transportation.

2 Q Change of pace. I wanted to ask also about some  
3 of these small scale artifacts that you might  
4 turn up along the route. I presume that it is  
5 safe to say that you're more likely to recover  
6 artifacts of historical significance in  
7 relatively undisturbed ground, more so than in  
8 highly disturbed ground where there's been  
9 excavation, grading, gravel poured, things like  
10 that?

11 A (Widell) I believe that this is a question for  
12 my colleague.

13 Q Yes.

14 A (Widell) Thank you.

15 A (Bunker) Yes. Thank you.

16 Q Did you want me to repeat that?

17 A (Bunker) Yes, please.

18 Q Okay. So I'm presuming that if you're looking  
19 for small historical artifacts, things that you  
20 might be, your teams were looking for along the  
21 roadside, I'm assuming that you're more likely  
22 to find those in relatively undisturbed ground  
23 than you are in heavily excavated ground that  
24 earth movers have been through and gravel's been

1 poured and graded and that sort of thing; is  
2 that true?

3 A (Bunker) Yes. That's correct.

4 Q So then it's reasonable to conclude, would you  
5 say, that you would find less historical  
6 artifacts on, say, I-93 than you would 20 feet  
7 away from the pavement in my front yard?

8 A (Bunker) I'm not exactly sure what your question  
9 is implying. Could you try again for me,  
10 please?

11 Q Sure. If you're looking for a small historical  
12 artifacts and there's different, comparing  
13 different locations and how likely you are to  
14 find significant artifacts in different  
15 locations, I'm assuming that it just seems like  
16 common sense that if you've got a heavily graded  
17 area, a place where earth movers have moved the  
18 earth around and put down gravel and graded that  
19 you're less likely to find artifacts there than  
20 you would be in somebody's front yard where it's  
21 undisturbed tall trees 20 feet away from  
22 pavement.

23 A (Bunker) When there's less disturbance  
24 disturbance, there is a greater potential of

1 finding artifacts in a more intact context such  
2 as a front yard.

3 Q Thank you. That's all I have.

4 A (Bunker) You're welcome.

5 PRESIDING OFFICER HONIGBERG: All right.  
6 Next up is the Historical Nongovernmental  
7 Organizations. Ms. Merritt?

8 **CROSS-EXAMINATION**

9 **BY MS. MERRITT:**

10 Q Good afternoon. I'm Elizabeth Merritt. I'm  
11 Deputy General Counsel with the National Trust  
12 for Historic Preservation. Like Ms. Widell, I'm  
13 not a local, but thank you for bearing with me  
14 with my equipment up here.

15 Okay. Good afternoon. Ms. Widell.

16 A (Widell) Good afternoon, Ms. Merritt.

17 Q I have a series of questions that I'd like to  
18 focus on the written testimony that you  
19 submitted to the Committee, both your Original  
20 Direct Testimony and your Supplemental Testimony  
21 so primarily I'm going to go through both of  
22 those documents with some specific questions for  
23 you. And I have -- okay. So this is your  
24 Original Testimony. Let's start with page 3.

1           You've got it in front of you, too, right?

2           A     (Widell) Yes.

3           Q     Page 3. Lines 4 and 5. You say, on the screen  
4           there, you say that Historic Resources  
5           compliance review generally involves three major  
6           steps. Identification, evaluation, and  
7           mitigation. Doesn't that statement skip a  
8           couple of steps that are supposed to happen  
9           before mitigation? And I wonder if you might  
10          want to elaborate on the steps that are missing  
11          before mitigation.

12          A     (Widell) I would -- yes. I'd be happy to.  
13          Avoidance and minimization. Often mitigation is  
14          often considered a word that is used for  
15          avoidance and minimization. Some use it broadly  
16          as a way to make up for adverse effects that  
17          cannot be mitigated and so it is used in a  
18          different, couple different ways. So I would  
19          consider avoidance and minimization as part of  
20          that.

21          Q     Is this document big enough that people can read  
22          it okay? Or do I need to zoom in? Tell me if  
23          you need me to change it.

24                   My next question relates to page 3,

1 Footnote 3, and this is the question of direct  
2 versus indirect effects and how those terms are  
3 defined.

4 In Footnote 3, you are assuming that direct  
5 refers to physical touching, some kind of  
6 physical harm, as opposed to the direct chain of  
7 causation. Am I interpreting your footnote  
8 correctly?

9 A (Widell) Could you give me a moment just to  
10 review it?

11 Q Okay.

12 A (Widell) I'm not sure how you got to that  
13 interpretation from that footnote.

14 Q Okay. Language is, you say that visual is  
15 indirect.

16 A (Widell) Yes.

17 Q Visual impacts. Can you explain why you equate  
18 visual impacts with indirect impacts?

19 A (Widell) They are not direct, related directly  
20 to physical destruction of the resource.

21 Q So physical destruction is a key factor or  
22 criterion in determining whether it's direct or  
23 indirect?

24 A (Widell) No. Not necessarily. You were asking

1 me about how I look at visual effects as an  
2 indirect impact.

3 Q Let me bring up a different document. You're  
4 familiar with NEPA, right, the National  
5 Environmental Policy Act?

6 A (Widell) Yes. I'm aware of it. Yes.

7 Q Can you see, you can read this? These are  
8 regulations issued by the Council on  
9 Environmental Quality that govern NEPA. Are you  
10 generally aware of those regulations?

11 A (Widell) Generally aware, yes.

12 Q So I wanted to show you the definitions in the  
13 CEQ regulations at Volume 40 of the Code of  
14 Federal Regulations, Section 1508.8. And they  
15 define direct effects as those which are caused  
16 by the action and occur at the same time and  
17 place whereas indirect effects are caused by the  
18 action but occur later in time or farther  
19 removed in distance but still reasonably  
20 foreseeable. So often that distinction is  
21 interpreted as to whether there's a third party  
22 involved. For example, is the Applicant's  
23 Project directly going to cause the impact or  
24 will it be the actions of a third party in

1 response to that Project that occur at a  
2 different time or a different place. So I just  
3 wanted to see whether you're familiar with these  
4 regulations and whether they influence the  
5 characterization of visual impacts from the  
6 Applicant's Project as indirect.

7 A (Widell) No. The definition of direct and  
8 indirect and definition of adverse effect we  
9 used was from 36 C.F.R. Part 800 provisions.

10 Q Okay. I have those regulations, and I'll pull  
11 them up on the screen, and perhaps you can show  
12 me where in those regulations you're looking at.

13 Can you tell me what section you want me to  
14 pull up here? Is it the definition section? Do  
15 you have access to the regulations as well?

16 A (Widell) Discussion of assessment of adverse  
17 effects is in the Section 800.5 on page 5 of the  
18 federal regulations.

19 Q 800.5. Okay. So is there a particular, I know  
20 the lines aren't numbered, but is there a piece  
21 of this where you see a definition of direct  
22 versus indirect?

23 A (Widell) Did you ask me a question?

24 Q Yes. There a particular part of this text that

1           you're focusing on that defines direct or  
2           indirect?

3       A     (Widell) There are examples in this section on  
4           what are adverse effects and the definition.  
5           They don't break down into direct and indirect.  
6           The direct and indirect comes from an  
7           establishment of an area of potential effects  
8           with a likelihood of effects to historic  
9           resources.

10      Q     Okay. Well, I'm not seeing a definition that is  
11           as specific as the one in the NEPA regulations,  
12           and I bring this to your attention in part  
13           because your testimony seems to repeatedly try  
14           to minimize the adverse effect by suggesting  
15           it's merely indirect, and I wanted to bring  
16           these additional definitions to your attention  
17           to point out that there is an argument that  
18           these effects are direct because they're caused  
19           by the, they would be caused by the action  
20           permitted by the SEC's decision. So the direct  
21           versus indirect characterization which is used  
22           to minimize the effects is more complicated than  
23           just physical touching based on these  
24           regulations.



1           Okay. I'll move on to my next question  
2           which is Footnote 4 on page 3 of your Original  
3           Testimony. If I can do this better this time.  
4           Okay. There's Footnote 4 which says resources  
5           dating from 1966 to '68 were mapped and included  
6           in the database.

7           PRESIDING OFFICER HONIGBERG: Slow down.

8           Q     Sorry. Mapped and included in the database but  
9           received no further analysis because they were  
10          less than 50 years old and did not meet National  
11          Register eligibility criteria.

12          Approximately how many resources fell into  
13          this category? Your testimony said there were  
14          1,284 resources that had a date before 1966. Do  
15          you know approximately how many resources fell  
16          into the category of 1966 to '68?

17          A     (Widell) Sitting here, no, I do not know the  
18          exact number, but they are all listed in the  
19          database.

20          Q     Do you have a ballpark?

21          A     (Widell) No. Not sitting here right now. I do  
22          not.

23          Q     So the resources on that list that date from  
24          1966 and 1967 would now be 50 years old, right?

1 A (Widell) Yes.

2 Q And those that date from 1968 would be 50 years  
3 old in another four months, right?

4 A (Widell) Yes.

5 Q So let me pull up the Section 106 regulations  
6 again. Okay. And I'm going to Section  
7 800.4(c)(1) of the regulations. Maybe I better  
8 blow them up a little bit. Okay. And I know  
9 you're familiar with these. Okay. In  
10 800.4(c)(1) in the top left paragraph that's on  
11 this page, on the screen, there's a provision  
12 that says the passage of time changing  
13 perceptions of significance or incomplete prior  
14 evaluations may require the agency official to  
15 reevaluate properties previously determined  
16 eligible or ineligible.

17 You're familiar with that regulation,  
18 right?

19 A (Widell) Yes.

20 Q Is there a risk to the Applicant that these  
21 properties may be deemed National Register  
22 eligible now that they are 50 years old?

23 A (Widell) No. Because the complete inventory  
24 that was determined by the Department of Energy

1 and the Division of Historic Resources has been  
2 completed within the last year, year and a half.  
3 So properties that may be now 50 years old or  
4 older were considered to be included in that  
5 inventory and by the Department of Energy in  
6 consultation with the Division of Historic  
7 Resources.

8 Q So the properties between 1966 and '68 have been  
9 considered by the DOE even though they weren't  
10 considered as part of your report? Is that what  
11 you're saying?

12 A (Widell) Yes. The Department of Energy prepared  
13 a separate list of historic properties to be  
14 inventoried. They were identified in the  
15 Project Area Form, and the recommendation was  
16 made to the Division of Historic Resources, and  
17 I have reviewed all of those new inventory  
18 forms.

19 Q So Footnote 3 then, I'm sorry, Footnote 4 you're  
20 saying is no longer accurate or relevant because  
21 you're saying those properties from 1966 to 1968  
22 have, in fact, been evaluated?

23 A (Widell) They would have been part of the group  
24 of historic properties or nonhistoric properties

1           that would be considered for this Project under  
2           the Section 106 process.

3       Q     Okay. But Footnote 4 says they were mapped and  
4           included in the database but received no further  
5           analysis because they were less than 50 years  
6           old.

7                        So are you saying they later did actually  
8           receive further analysis?

9       A     (Widell) In a totally separate way, yes. This  
10          is referring to the Assessment Report that was  
11          prepared as part of the Application for the SEC.

12       Q     Which consultant prepared those, the forms  
13          regarding those properties between 1966 and  
14          1968?

15       A     (Widell) I did with Preservation Company. Wait,  
16          wait, wait. I'm sorry. I answered that  
17          indirectly. You said which contractor prepared  
18          the forms for properties between 1966 and 1968?

19       Q     I asked the question that way because I thought  
20          I understood you to be saying that you reviewed  
21          those forms but did not prepare them in the  
22          first instance.

23       A     (Widell) No. They would have been part of the  
24          broad number of historic properties that would

1 have been considered in consultation between the  
2 Department of Energy and the Division of  
3 Historic Resources in the Section 106 process.  
4 Those inventory forms were completed by 7  
5 different contracting companies to my knowledge,  
6 and I reviewed all of them that were determined  
7 eligible for National Register and some that  
8 were determined not eligible for the National  
9 Register. None were prepared for properties  
10 built between 1966 and 1968.

11 Q None were prepared for those properties?

12 A (Widell) Not that I, no. No. I do not recall  
13 one, but they would have been considered as part  
14 of the Section 106 process.

15 Q Okay. Now I'd like to turn to page 5 of your  
16 Testimony. It puts me back at the beginning  
17 again. Okay. Here's page 5. Line 26. You say  
18 that of the 1,284 pre-1966 properties within the  
19 one-mile search area, 194 had a sufficient  
20 visual relationship to the Project to be  
21 evaluated for their historic character.

22 A (Widell) I didn't see the word "search" in the  
23 area that you read.

24 Q Okay. I translated APE to search area.

1 A (Widell) Oh.

2 Q Because I saw that language used in a different  
3 document. The question is of the 1,284, were  
4 they all assumed to be historic or were they  
5 unevaluated?

6 A (Widell) They were built prior to 1968, and they  
7 were not yet evaluated, other than that 50-year  
8 cutoff.

9 Q Of the 194 properties that were evaluated, how  
10 many of those were individual structures and how  
11 many were districts or landscapes or large areas  
12 of some kind?

13 A (Widell) I would have to look at the database to  
14 be precise.

15 Q Can you give us a ballpark?

16 A (Widell) A ballpark. I'm going to, a ballpark  
17 would be probably 20, 30 would be large areas or  
18 districts.

19 Q Okay. Now, on the last page you created the  
20 list of -- whoops. Yes. I'll keep going. 12  
21 of the 194 properties that you determined might  
22 be adversely effected.

23 A (Widell) Yes.

24 Q Has the, and I realize this list was modified in

1           your subsequent testimony and we'll get to that,  
2           but has the DHR concurred in your determinations  
3           of adverse effect?

4           A     (Widell) No.

5           Q     Okay. Under Section 106, if the Permit  
6           Applicant submits something that says they don't  
7           think there's an adverse effect, and the State  
8           Historic Preservation Office or here, DHR, or  
9           the federal agency disagree with that, whose  
10          opinion counts under Section 106?

11          A     (Widell) If the Applicant states that there are  
12          no adverse effects?

13          Q     With regard to a particular property.

14          A     (Widell) With regard to a particular property.  
15          The State Historic Preservation Officer has 30  
16          days in which to respond to the federal agency  
17          to disagree.

18          Q     And if they do disagree, then what happens?

19          A     (Widell) The federal agency has to provide  
20          information that is requested by the State  
21          Historic Preservation Officer to indicate that  
22          there is no adverse effect.

23          Q     What if the Applicant says there's no adverse  
24          effect and the DHR and the federal agency both

1 disagree and think there is an adverse effect,  
2 whose opinion counts?

3 A (Widell) I can't speak for how the DHR manages  
4 their Section 106 compliance in New Hampshire.

5 Q You're saying that if Northern Pass says they  
6 think there's no adverse effect on a historic  
7 property and the DHR says they think there is an  
8 adverse effect on that historic property and DOE  
9 also thinks there's an adverse effect, you're  
10 saying you don't know whether that would be  
11 treated as an adverse effect going into the  
12 Section 106 process?

13 A (Widell) You asked me to speak on behalf of DHR.

14 Q No. I did not ask you to speak on behalf of  
15 DHR.

16 A Is it then a hypothetical question, Betsy,  
17 related to the standard process for Section 106?

18 Q It's a general question based on your experience  
19 with Section 106 in general if an Applicant says  
20 there's no adverse effect and the State Historic  
21 Preservation Office and the federal agency  
22 disagree, whose opinion counts?

23 A (Widell) The State Historic Preservation  
24 Officer.



1 Q Okay. Let's see. Going to page 10 of your  
2 testimony. On line 21. You say this is part of  
3 your reasons why you think there's no  
4 unreasonable adverse effect, and one of your  
5 factors is there are not many, there are not  
6 many adverse effects. In your count which was  
7 12 at the time, some of the properties are  
8 individual structures and some are larger areas  
9 with multiple properties, right?

10 A (Widell) Yes.

11 Q Do these count as the same?

12 A (Widell) I don't know what you mean by  
13 "counting." They're adverse effects.

14 Q Well, you say in line 21, this is not many  
15 adverse effects. And so, for example, as a  
16 hypothetical, if there were only one property  
17 listed as having an adverse effect, one could  
18 certainly say there aren't many, but if it was a  
19 large Historic District with hundreds of  
20 structures and/or thousands of acres, would you  
21 think it was appropriate to say well, there's  
22 only one property adversely affected?

23 A (Widell) The number of adverse effects do not  
24 necessarily point to the determination that it

1 is an unreasonable adverse effect. There are  
2 five criteria. We are looking at this hearing,  
3 Betsy, for determining whether there's an  
4 unreasonable adverse effect. The identification  
5 of adverse effects using the Section 106 process  
6 is one of those five criteria. You could  
7 absolutely have one property that was so  
8 significant that it would cause an unreasonable  
9 adverse effect or you could have 50 very small  
10 effects and still not have an unreasonable  
11 adverse effect as I read the five criteria that  
12 are in SEC rules.

13 Q Okay. I'd like to turn to the letter from DHR  
14 dated August 25th, 2017, and I believe it's  
15 Exhibit number 443 from Counsel for the Public.  
16 And on page 1 of that letter, how many historic  
17 properties does DHR say are potentially affected  
18 by the proposed Project?

19 A (Widell) When you say how many properties are  
20 potentially affected, that would be the number,  
21 the complete number of properties that were  
22 first considered for inventory which is a total  
23 of 186. Then there were a number of reasons why  
24 those properties were not inventoried and so it

1           went down to 118 inventory forms that were  
2           completed.

3           Q     Okay. And on the first page of the DHR letter  
4           from August 25th, there's a number referenced of  
5           100. As of this date, 100 aboveground  
6           individual historic properties and Historic  
7           Districts have been identified in the study area  
8           and are potentially affected by the proposed  
9           Project. So do you know how many of these 100,  
10          let's use that as a ballpark figure, how many  
11          are Historic Districts as opposed to individual  
12          properties?

13          A     (Widell) I would have to look at the database  
14          here. Would you like me to give you a ballpark?  
15          I would say ballpark it's probably similar.  
16          It's probably 20, 30 that are districts.

17          Q     That's useful.

18                 As long as we have the August 25th letter  
19          on the screen, let's scroll down and look at,  
20          there are some districts that are named in the  
21          letter that are under review, and I understand  
22          from your description yesterday that there may  
23          be a couple of these, there may be some of these  
24          that are not literally yet in the hands of DHR

1 staff, but are about to be. So starting on page  
2 of the letter they list what I count as 10  
3 cultural landscapes that are being evaluated and  
4 reviewed. Do you see that list?

5 A (Widell) Yes. These are study areas and there  
6 have been ten cultural landscape reports that  
7 have been completed by the Applicant and have  
8 been submitted to DOE.

9 Q Okay. And then on page 3 there's one that  
10 carries over, one of that list carries over to  
11 page 3, or maybe it's page 4. Here we go. At  
12 the bottom of page 4 of that letter, it  
13 mentioned a large, several intact farms that  
14 were identified as Rural Historic Districts  
15 within the study area, and it lists them and it  
16 lists their acreage. Oak Hill Agricultural, 661  
17 acres. Nottingham, 741 acres. Peaked Hill  
18 Road, 1,295 acres. North Road, 1423 acres. And  
19 Plain Road, 214 acres.

20 Can you help us figure out the overlap  
21 between these properties, the cultural  
22 landscapes, and the five Rural Historic  
23 Districts and the properties that are on your  
24 list as being adversely affected? Maybe I

1 should pull up your short list from your  
2 subsequent testimony.

3 So I'm going to the end of your  
4 Supplemental Testimony when you have the short  
5 list of six. There we go. Here's our list of  
6 six. So can you help us understand the overlap  
7 between this list and the list of 10 cultural  
8 landscapes and five Rural Historic Districts in  
9 the DHR letter?

10 A (Widell) Okay. Let me make sure I understand so  
11 that I can do this clearly. First, you would  
12 like to know which ones of these Historic  
13 Districts are in cultural landscapes?

14 Q I guess what I'm asking is which ones are  
15 specifically within the 10 cultural landscapes  
16 listed in that August 25th letter.

17 A (Widell) Okay. First I would tell you that all  
18 of the inventory forms for these have been  
19 completed and submitted to DHR as have the  
20 Effects Tables for all of these Historic  
21 Districts. Now, which ones are in the cultural  
22 landscape reports that have been completed are  
23 North Road, and Grange District is within the  
24 North Road, and Lost Nation cultural landscape,

1 and I believe the Plain Road one is also in  
2 that. No. Plain Road is in a cultural  
3 landscape. And I would have to double-check my  
4 boundaries to tell you which one, but Plain Road  
5 Historic District is within the one of the Great  
6 North Woods cultural landscapes.

7 Q Plain Road is one of the Rural Historic  
8 Districts, right?

9 A (Widell) Yes.

10 Q What about Weeks State Park? Is that within one  
11 of the cultural landscapes?

12 A (Widell) Yes, it is.

13 Q Which one?

14 A (Widell) The Martin Meadow and Weeks. No, it's'  
15 not --

16 Q Mount Prospect.

17 A Mount Prospect.

18 Q Then Peaked Hill Road?

19 A (Widell) Is not within a cultural landscape.

20 Q It does look like it's one of the Rural Historic  
21 Districts. At least there's one with an  
22 identical name.

23 A (Widell) Yes, it is.

24 Q So one followup question is let's take Weeks

1 State Park, for example. Do you know how the  
2 acreage of the resource you looked at and listed  
3 here compares with the acreage that is within  
4 the cultural landscape report that's currently  
5 either about to be given to DOE or has already  
6 been given to DOE? How does the acreage  
7 compare?

8 A (Widell) I do not have the acreage right in  
9 front of me, but I'm going to estimate that the  
10 area that we looked at was not just the listed  
11 property. Weeks Mansion at the top of Weeks  
12 State Park. It included Weeks State Park itself  
13 which is, I believe, around 420 acres. So I'm  
14 going to say that what we reviewed as a Historic  
15 District under the Assessment Report was about  
16 approximately half of the size of the cultural  
17 landscape that has been completed.

18 Q Okay. I'll take that as ballpark figure.  
19 That's useful.

20 A (Widell) Thank you.

21 Q I won't hold you to that specific number, but  
22 that's very useful. And then I guess my, I  
23 would have a similar question for North Road and  
24 the Grange District which do you know the

1           acreaage of the district you looked at in your  
2           adverse effect determination?

3       A     (Widell) Yes. It would have been what is listed  
4           here which is 1,423 acres.

5       Q     Okay. That answers my questions.

6       A     (Widell) I believe that's approximately right.  
7           They may have been a little bigger, but  
8           approximately that.

9       Q     And then for the Peaked Hill Road District which  
10           combines what used to be two listings on your  
11           longer list in your Original Testimony, what's  
12           your, what's the acreage of what you looked at?

13      A     (Widell) That I honestly cannot remember, to  
14           tell you. But once again, Jeffers Farm is at  
15           one end of the now Peaked Hill Road District and  
16           the Locke Road Neighborhood is a substantial  
17           part of what has become the Peaked Hill Road  
18           District, so, once again, almost half.

19      Q     So there is clearly some overlap here. However,  
20           the lists that are in the August 25th letter  
21           from DHR include a total of 15 districts that  
22           are within the study area or APE, however you  
23           want to characterize it, so something's missing  
24           from your list of six. Can you explain or



1 elaborate on where everything else is?

2 A (Widell) I'm sorry. I don't understand, Betsy,  
3 what you mean. The list of six. There are  
4 more, there are more Historic Districts that  
5 have been inventoried and submitted to DHR and  
6 there are more Historic Districts than this that were on  
7 our, in our Assessment Report.

8 Q So let's just assume that the three we talked  
9 about, Peaked Hill, Weeks, and North Road  
10 account for three of the 15 cultural landscapes  
11 and Rural Historic Districts mentioned in the  
12 August 25th letter. So with respect to the  
13 other 12, what's your understanding of how and  
14 when those will be evaluated in terms of their  
15 adverse effects once they're evaluated for their  
16 National Register eligibility?

17 A (Widell) I'm not sure I understand the numbers,  
18 but I will tell you that all of the properties,  
19 that all of the Rural Historic Districts, all  
20 the additional Historic Districts have been  
21 inventoried and sent into DHR with the exception  
22 of individual properties at Webster Lake. Five  
23 of them which will be sent in in the next two  
24 weeks. All of that information has been

1 submitted to DHR, all of those 118 inventory  
2 forms have been reviewed for Determination of  
3 Eligibility by DHR.

4 Q Didn't you say yesterday that these forms had  
5 been almost entirely given to DOE but that DOE  
6 had not yet passed them on to DHR?

7 A (Widell) no. You must have misunderstood.  
8 Those are the cultural landscape reports that  
9 have been completed. They have all been sent to  
10 DOE.

11 Q Okay. So the five Rural Historic Districts are  
12 already in the DHR office but not the ten  
13 cultural landscapes?

14 A (Widell) Yes.

15 Q Okay. And once that review is completed, and I  
16 believe you just said you thought it had been  
17 completed, did I mishear you?

18 A (Widell). No. It has been completed. All of  
19 the inventory forms, save these few that I  
20 mentioned from Webster Lake which was divided  
21 from a Historic District into individual  
22 properties, have been reviewed, and they all  
23 have also been reviewed for Determination of  
24 Eligibility. Basically, the identification

1 stage of this process is completed, and I  
2 believe that that states that on page 1 that  
3 it's near completion or very close to that, and  
4 all of, I have reviewed all of the Effects  
5 Tables for the properties as well.

6 Q Except for the ten cultural landscape  
7 nominations that are not yet in the hand of DHR,  
8 correct?

9 A (Widell) They are not yet in the hands of DHR  
10 because we are waiting for the Department of  
11 Energy to okay their release. I have personally  
12 reviewed all of the cultural landscape reports.

13 Q And what is your view as to the National  
14 Register eligibility of those ten cultural  
15 landscapes?

16 A (Widell) I believe that it is likely that at  
17 least a portion, if not the existing boundaries,  
18 they will be found eligible for National  
19 Register.

20 Q You suggested that DHR had already concurred in  
21 eligibility determinations but not for cultural  
22 landscapes, correct? Because they don't even  
23 have those.

24 A (Widell) That's correct.

1 Q Do you know the total number of acres involved  
2 in the 10 cultural landscape areas that are  
3 being evaluated?

4 A (Widell) No. I cannot tell you what the total  
5 number of acres are.

6 Q Could be a lot of acres, right?

7 A (Widell) It is what you would expect for  
8 cultural landscapes, yes.

9 Q Do you know the acreage of the five Rural  
10 Historic Districts?

11 A (Widell) No. Not in my head, I'm sorry. No.

12 Q Let's go to your testimony on page 9. Oh, this  
13 is the Supplemental Testimony, sorry. Here we  
14 go. Line 17 and 18. You say that NPT evaluated  
15 potential historic resource impacts early in the  
16 planning process, and that minimizing impacts to  
17 Cultural Resources were all considerations in  
18 the route selection process. You see that?

19 A (Widell) Yes.

20 Q By early in the planning process, approximately  
21 when are you referring to? What year, what  
22 month and year?

23 A (Widell) It would have been before I came on  
24 board so before 2014.

1 Q Do you know how long before 2014?

2 A (Widell) No.

3 Q And you were hired in 2014?

4 A (Widell) I believe the end of 2014. Yes.

5 Q Okay. And two and a half years later, what is  
6 the status of the historic identification  
7 process?

8 A (Widell) I believe I just answered that, but I'm  
9 happy to go over it again. All of the historic  
10 properties identified in consultation between  
11 the Department of Energy and DHR have been  
12 identified and the inventory forms have been  
13 completed, all the forms requested, and  
14 submitted to DHR. DHR has reviewed those  
15 inventory forms and found those which are  
16 eligible for the National Register. There are  
17 approximately five that need to be submitted in  
18 the next two weeks for Webster Lake.

19 Q But the ten cultural landscape nominations were  
20 not available back in 2014 or 2015, correct?

21 A (Widell) No.

22 Q So the route selection that was supposedly  
23 informed by an evaluation of potential historic  
24 resource impacts was not informed by the

1 knowledge of those ten National Register  
2 eligible cultural landscapes, correct?

3 A (Widell) Not those particular, but a number of  
4 those Rural Historic Districts had been  
5 identified.

6 Q And what about your October 2015 testimony? Was  
7 that informed by the knowledge of those National  
8 Register eligible cultural landscapes?

9 A (Widell) No. But a number of large areas within  
10 those cultural landscapes and certainly every  
11 historic resource within the area of potential  
12 effect and the zone of visual influence that are  
13 in those cultural landscapes were assessed for  
14 potential adverse effects so we have knowledge  
15 of what effects may be on those cultural  
16 landscapes at this time.

17 Q So if the current cultural landscape evaluation  
18 process were to result in a determination that  
19 there are -- let's pull a number out of thin  
20 air -- 5,000 acres of cultural landscapes  
21 eligible for the National Register, and the  
22 aboveground portion of the transmission line  
23 would cut right through the heart of those  
24 cultural landscapes, would that likely result in

1 an adverse effect under Section 106?

2 A (Widell) We already are aware of the adverse  
3 effects likely within the area of potential  
4 effect in those cultural landscapes from our  
5 previous review of the historic properties in  
6 the area of potential effect.

7 Q Well, but we determined that only one of the 10  
8 cultural landscapes currently under review and  
9 two of the Rural Historic Districts were  
10 identified in your report, and so the remainder  
11 are not yet determined, not yet fully evaluated,  
12 so how could they have been considered?

13 MR. WALKER: Objection. This has been  
14 asked a few times and answered a few times.

15 PRESIDING OFFICER HONIGBERG: Ms. Merritt?

16 MS. MERRITT: Okay.

17 BY MS. MERRITT:

18 Q I think this is a different question.

19 If there was a determination that there  
20 were 5,000 acres of eligible cultural  
21 landscapes -- No. Let me drop that. That's too  
22 similar.

23 Was the 2014 route selection informed by  
24 the knowledge of the impacts on those National

1 Register eligible cultural landscapes?

2 A (Widell) No. And let me clarify. One is I  
3 didn't state that the route selection was in  
4 2014. I indicated that the route selection  
5 likely happened prior to my coming on board.

6 Q Okay.

7 A (Widell) And second, no, the cultural landscapes  
8 were not in existence at the time.

9 Q If those cultural landscapes are identified  
10 after the route is approved, based on your  
11 experience, what kinds of actions could be taken  
12 to avoid and minimize harm to those National  
13 Register eligible cultural landscapes if the  
14 overhead transmission line would cut through the  
15 heart of them?

16 A (Widell) We already know where the cultural  
17 landscapes are, and, as I indicated to you,  
18 because some of them have portions located in  
19 the area of potential effect which have been  
20 studied in great detail, any of the contributing  
21 individual resources, because a cultural  
22 landscape is made up of individual contributing  
23 properties, they have already been assessed and  
24 inventoried and determined whether there is an



1 adverse effect on those properties.

2 Q But isn't it true that a cultural landscape is a  
3 type of historic resource in which the whole is  
4 greater than the sum of its parts, and that in  
5 evaluating a cultural landscape, there are views  
6 and visual characteristics that would go beyond  
7 merely a collection of architectural structures.

8 A (Widell) The views and viewsheds of contributing  
9 resources that are within these cultural  
10 landscapes in the APE have been considered.

11 Q How is that possible if they have not yet been  
12 submitted to the DHR?

13 A (Widell) Because we identified every historic  
14 property within the area of potential effect  
15 that may be eligible for the National Register.  
16 And as you know, Betsy, a cultural landscape is  
17 made up of contributing resources. They may be  
18 fields, they may be barns and large numbers of  
19 farms, for example, we identified the North Road  
20 Agricultural District long before the cultural  
21 landscape reports were completed. It informed  
22 greatly what that cultural landscape would be.  
23 But we have already assessed the effects on the  
24 North Road Agricultural District, and we have

1           assessed that that would be an adverse effect.  
2           The cultural landscape for that area will add  
3           land to it, but the effect will not be larger  
4           because there is more land because we've already  
5           looked at the area that would be affected. As  
6           you know, often a larger area may mean that  
7           effect may be less. It is often a larger effect  
8           on a smaller area.

9           Q     If you turn to page 10 of your Original  
10           Testimony, lines 9 through 10, you say that the  
11           northern, in the northern 32 miles of the route,  
12           there's only one finding of adverse effect and  
13           that it's indirect. And which adverse effect  
14           determination on your part is that referring to?

15           A     (Widell) The Dummer Pond Sporting Club.

16           Q     Has the DHR concurred in your determination that  
17           there's only one finding of adverse effect?

18           A     (Widell) No. They have not reviewed the Effects  
19           Tables. They have received many of them. But  
20           they did concur that it was eligible for the  
21           National Register.

22           Q     Okay. My next question is, of the 10 cultural  
23           landscapes that are listed in the DHR left from  
24           August 25th, the ones we've been talking about,

1 are any of these ten cultural landscapes within  
2 the northern 32 miles of the route?

3 A (Widell) yes. The Harvey swale cultural  
4 landscape.

5 Q Is that the only one?

6 A (Widell) You're talking about the 32 mile  
7 overhead, yes. That's the only one that is  
8 within the area of potential effect in that area  
9 other than the Dummer Pond Sporting Club which  
10 is not part of a cultural landscape.

11 Q Okay. Scrolling down a little on page 10, you  
12 say the adverse effects on the, I'm sorry.  
13 Lines 23 to 25. You say the indirect adverse  
14 effects on the Weeks Estate would not cause it  
15 to be removed from the National Register, and  
16 then on, I think it's lines 1 and 2. Maybe it's  
17 the next page. Sorry. Yes. Page 11. Lines 1  
18 and 2. You say the indirect visual effects on  
19 the other nine of the 11 properties you had  
20 listed would not prevent them from being  
21 determined National Register eligible. Are you  
22 saying that it doesn't count as an adverse  
23 effect if it's not severe enough to result in a  
24 loss of National Register eligibility? You're

1 not saying that, are you?

2 A (Widell) No. I said that the adverse effect  
3 would not cause it to be determined not eligible  
4 for the National Register. Nor would it cause  
5 something listed on the National Register in  
6 these particular visual adverse effects to be  
7 removed.

8 Q Are you saying that it's only an unreasonable  
9 adverse effect under New Hampshire law if it's  
10 that severe, so severe that it would be  
11 essentially de-listed or no longer eligible?

12 A (Widell) No. I was not referring to the  
13 criteria of unreasonable adverse effect for that  
14 particular statement.

15 Q Okay. Going to page 11, lines 3 and 4, you say  
16 the 11 indirect adverse effects are not located  
17 in one discrete geographic area, but rather they  
18 are dispersed along the length of the Project.

19 Wouldn't it be true that in some cases,  
20 based on your experience, adverse effects that  
21 might be dispersed along an entire corridor or  
22 throughout a Project could be more severe than  
23 effects that are located just in one discrete  
24 geographic area?

1 A (Widell) Is that a hypothetical question?

2 Q Yes. Just based on your experience.

3 A (Widell) Yes, its possible.

4 Q On lines 22 and 23 of page 11, you say,  
5 "Although I have concluded there's adverse  
6 effect to the integrity of the setting or  
7 landscape of these sites, it is my opinion that  
8 the actual effect on these aboveground resources  
9 is small."

10 Has the DHR concurred in your opinion?

11 A (Widell) The DHR has received the Effects  
12 Tables, 57 of them, and it has not finalized  
13 their review of them yet so I cannot say that.

14 Q Then on line 29 of that same page, you say,  
15 you're talking about how the Project has  
16 minimized adverse effects at the 11 overhead  
17 route locations, and then you say structure,  
18 locations, and structure design type were  
19 modified at 16 of the properties.

20 I was confused by the reference to 16 when  
21 you were talking about 11. Can you explain the  
22 16 and what that's referring to?

23 A (Widell) Yes. It is in the Assessment Form that  
24 was submitted, and it's on page 19 and 20, and

1           it talks in very precise terms about the  
2           avoidance and minimization that was done for 16  
3           historic properties that were identified.

4       Q     So is that the 11 plus five more or is it 16  
5           different properties that you deem are not --  
6           what's the relationship between the 11 and the  
7           16?

8       A     (Widell) Can we go back to the portion of the  
9           testimony?

10      Q     Yes. Page 11. Line 29. There it is.

11      A     (Widell) The overhead avoidance and minimization  
12           as I indicated were at 16 locations that had  
13           been identified that were all visually affected  
14           and on the overhead route.

15      Q     Are you saying it was 16 locations and not 16  
16           historic properties?

17      A     (Widell) No. They were 16 historic properties.

18      Q     And did that consist of the 11 properties or the  
19           12 plus the additional ones or --

20      A     (Widell) No. The 12 it is referring to are the  
21           12 adverse effects that I had indicated within  
22           my testimony.

23      Q     So you're saying there were, there were four of  
24           the 16 that you determined were not adversely

1 affected?

2 A (Widell) No.

3 Q I'm completely confused. I just do not  
4 understand the relationship between the 16 and  
5 the 12. Or 11.

6 A (Widell) There isn't necessarily any  
7 relationship. The 16 were areas where some of  
8 them were on the list of adverse effects. Some  
9 were not on the list of adverse effects because  
10 we made avoidance and minimization to them.

11 Q I'll leave it at that. I'd like to turn now to  
12 your Supplemental Testimony from April of this  
13 year. I'd like to start with a question on page  
14 9. Lines 20 to 30. You're addressing, the  
15 heading says insufficient capture of cultural  
16 landscapes. And you say you disagree that there  
17 was an earlier failure to sufficiently identify  
18 and consider cultural landscapes. And you say  
19 in your written testimony that when you refer to  
20 historic sites you're including cultural  
21 landscapes. And I'm struggling to understand  
22 how your earlier testimony could have included  
23 all of these cultural landscapes if they have  
24 not even been reviewed by DHR yet and the

1 evaluations were not completed certainly in 2015  
2 but nor in April of 2017. I don't understand  
3 how you could have considered those cultural  
4 landscapes when the analysis had not been done  
5 to identify and evaluate them at the time of  
6 your report.

7 MR. WALKER: Objection. Asked and  
8 answered.

9 MS. MERRITT: Okay.

10 Q Going to page 10 of your Supplemental Testimony,  
11 lines 6 and 7, mention specifically that you  
12 considered North Road Agricultural District  
13 which is over 1000 acres and Weeks State Park  
14 which was 420 acres, and these, as we discussed,  
15 are both on the list of 10 that are mentioned in  
16 the August 25th letter. So both of these are  
17 the subject of valuations that were prepared  
18 after your April 2017 testimony, right?

19 A (Widell) No. We didn't consider them. We  
20 identified both the North Road Agricultural  
21 District which had never been identified as a  
22 Rural Historic District, and I believe, as you  
23 know, the National Park Service uses the term  
24 Rural Historic District for identifying cultural



1           landscapes and that is what we did with North  
2           Road. In addition, Weeks State Park which is a  
3           designed landscape, a designed cultural  
4           landscape, we identified and included in our  
5           consideration. There are other portions within  
6           the cultural landscapes that we identified  
7           specific resources that are part of those  
8           cultural landscapes that might be affected by  
9           the Project which we take into consideration for  
10          my, the preparation of my testimony and my  
11          finding that there's no unreasonable adverse  
12          effect.

13        Q     Oh, with regard to the two that were mentioned,  
14           do you know whether the acreage is the same in  
15           the new evaluations as you assumed in your  
16           earlier evaluation?

17        A     No. I believe I told you both of them are about  
18           half of the size, but the areas that are  
19           included either are not within or adjacent to  
20           the area of potential effect or we had  
21           previously assessed the historic properties that  
22           were.

23        Q     Okay. Turning to page 10 of your Supplemental  
24           Testimony, lines 26 and 27, you say the Project

1 has substantially avoided impacts and minimized  
2 effects to Historic Resources by locating 99.5  
3 miles in existing rights-of-way. Has the DHR  
4 concurred in this determination that the Project  
5 has substantially avoided and minimized affects  
6 to Historic Resources?

7 A (Widell) No. The DHR has not completed its  
8 review of the Effects Tables that have been done  
9 for each of the historic properties that are  
10 being, that have been inventoried.

11 Q And in lines 29 to 30, you say that the  
12 underground portion of the Project has, quote,  
13 "eliminated visual effects over long distances."  
14 Has the DHR concurred in that determination?

15 A (Widell) No. I do not know what determination  
16 you are looking for. That would not normally be  
17 part of the Section 106 process to determine,  
18 frankly, either one of those statements. It is  
19 information related to why with a 194-mile  
20 Project even now DHR has identified 100  
21 properties that they are concerned about within  
22 that area.

23 Q So to answer your question, let's just look at  
24 lines 29 and 30. And the words there in your

1 testimony say, you're referring to the  
2 underground portion of the Project, and you say  
3 the Project has eliminated visual effects over  
4 long distances. Does that mean that using  
5 Section 106 terminology you would say that that  
6 portion of the Project has no adverse effect  
7 since visual effects have been eliminated?

8 A (Widell) No.

9 Q And how would you translate that to a Section  
10 106 effects evaluation?

11 A (Widell) We are aware, Preservation Company  
12 prior to the announcement of the undergrounding  
13 of this portion of the Project, work had begun  
14 to look at the visual affects in that 60.5-mile  
15 area to see what would be the adverse effects to  
16 historic properties, and this is a rough number  
17 but from materials that I saw there had been  
18 identified approximately 283 historic properties  
19 that may have been affected visually if the  
20 Project had gone overhead in that area.

21 Q So does that mean that you believe there will be  
22 some adverse effect within this segment using  
23 Section 106 terminology?

24 A (Widell) No. I do not.

1 Q Do you think there's no adverse effect from this  
2 segment using Section 106 terminology?

3 A (Widell) Yes.

4 Q Okay. Going to page 14 of your testimony. At  
5 the bottom, line 27, and over to the top line of  
6 page 15, you say that the Section 106 process  
7 has not presented any new eligible historic  
8 resources that cause you to question your  
9 assessment regarding adverse effects. Let me  
10 get this.

11 A (Widell) I'm sorry. I don't know where you are.  
12 Can you point that to me? Thank you.

13 Q Sure. Page 14, line 27, to page 15, line 1.  
14 That carryover sentence. The Section 106 review  
15 and consultation process has not presented any  
16 new eligible historic resources that cause me to  
17 question my assessment. But that process is not  
18 completed yet, correct? Has DHR finished the  
19 process of determining whether there are any new  
20 eligible historic resources such as cultural  
21 landscapes?

22 A (Widell) They have completed review of the  
23 identity of historic properties and participated  
24 in the identification of the cultural landscape

1 study areas and are aware of those areas. And,  
2 once again, I reiterate, the area of potential  
3 effect within those cultural landscapes have  
4 been assessed for adverse effects.

5 Q DHR has not yet reviewed the 10 cultural  
6 landscape -- do you call them nominations? The  
7 10 cultural landscape evaluations, have they?

8 A (Widell) They are being called cultural  
9 landscape reports.

10 Q Okay.

11 A (Widell) And they have not reviewed them.

12 Q Okay. Do you anticipate that DHR will conclude  
13 that none of these will be deemed eligible or do  
14 you anticipate that they will conclude that most  
15 or all of them will be deemed eligible for the  
16 National Register?

17 A (Widell) I cannot anticipate what DHR would do,  
18 but based on my professional opinion, I think  
19 they will find them eligible for the National  
20 Register.

21 Q I just have, I'm almost done here, but I have  
22 some questions about your short list comparing  
23 your long list, and I don't know how to put two  
24 documents on the screen at once, but your short

1 list which we were looking at before has six  
2 properties listed on it. The Peaked Hill Road  
3 Historic District represents a combination of  
4 what was previously two listings on your earlier  
5 list, and I'm going to pull up your original  
6 list.

7 Okay. I want to ask you about four  
8 properties that were dropped from your list, and  
9 as I understood your testimony, forgive me for  
10 not putting this language on the screen, I  
11 understood you to say that these other four  
12 sites were dropped because they were deemed not  
13 eligible, not National Register eligible?

14 A (Widell) No. I don't think that's necessary,  
15 but I would be happy to go through them with  
16 you.

17 Q Yes. Let's go through them one by one because I  
18 want to just understand the status. One of them  
19 is the first one on the list here, the Quimby  
20 Fife House, where in 2015 you felt it would be  
21 potentially adversely affected, and in your more  
22 recent testimony you did not include this on the  
23 list. Can you explain where that went?

24 A (Widell) Yes. I believe an inventory form was

1 completed for DHR, and DHR determined that it  
2 was eligible for the National Register, but only  
3 under C which means that it was only significant  
4 under architecture, and, therefore, the visual  
5 effects, the Project could not visually affect  
6 the architecture for which it was significant.

7 Q So do you take the position that if a property  
8 is eligible only under Criterion C it cannot by  
9 its nature be adversely affected by a visual  
10 intrusion?

11 A (Widell) Not necessarily, but that is not my  
12 decision. DHR is the one who decided this in  
13 this case of this property.

14 Q I want to come back to the DHR letter of August  
15 25th, but, first, let's, as long as we have the  
16 chart here, let's look at the other three  
17 properties that were dropped from the list, and  
18 then I want your help finding them in the August  
19 25th letter.

20 So the second property is the Montminy Farm  
21 and Country Store. What happened to that  
22 property, and why was it dropped from the list?

23 A (Widell) DHR determined that it should not be  
24 surveyed, inventoried.

1 Q Does that --

2 A (Widell) Go ahead. No. Please continue.

3 Q Does that mean they determined it wasn't  
4 eligible?

5 A (Widell) They determined that they did not need  
6 to complete an inventory form. I was not in the  
7 room and cannot tell you precisely why that  
8 decision was made.

9 Q Is it possible the decision was made because  
10 they already knew enough about it?

11 A (Widell) No. It has never been identified  
12 before.

13 Q You don't know their rationale. Okay. Okay.

14 A (Widell) It is, it would be identified in the  
15 notes from their discussion of the property, and  
16 Eversource staffperson Mark Doperalski would  
17 have reported that information. It is available  
18 through DHR, I would expect.

19 Q The next one that's dropped from the list is the  
20 Northside Road Agricultural District?

21 A (Widell) Yes. It was determined that that  
22 should not be inventoried. It is included in  
23 the Upper Ammonoosuc cultural landscape.

24 Q Okay. Thank you for clarifying that. And then



1 finally the Leighton Farm was also dropped from  
2 the adverse effect list.

3 A (Widell) That property was not included in  
4 inventory, and it was not included in the  
5 cultural landscape.

6 Q Why?

7 A (Widell) these are decisions that have been made  
8 by DHR, and I took them into account for my  
9 Supplemental Testimony.

10 Q So that doesn't necessarily amount to a  
11 determination of noneligibility? What's your  
12 understanding?

13 A (Widell) As you know, when you complete an  
14 inventory for the completion of a Section 106  
15 process, it is then reviewed, the list, the  
16 overall list is prepared by the Department of  
17 Energy in consultation with DHR based on the  
18 area of potential effect and the zone of visual  
19 influence, the inventory forms are completed,  
20 and then carefully reviewed by DHR to review,  
21 determine whether which ones are eligible for  
22 the National Register or not. They're called  
23 DOE which is Determination of Eligibility, and  
24 DHR specifically refers to it as the green sheet

1 process.

2 Q So does that mean that they have made some  
3 determinations of eligibility for properties  
4 along the route?

5 A (Widell) Once again, I've stated this  
6 previously, Betsy, so let me make sure you  
7 understand. The identification of historic  
8 properties on the route of Northern Pass has  
9 been completed except for those five inventory  
10 forms from Webster Lake which are being  
11 submitted next week. Those inventory forms have  
12 been submitted to DHR and reviewed by DHR and  
13 the Determination of Eligibility for those  
14 properties has been completed.

15 Q Okay. So this is going to be hard because of  
16 the sideways nature of these charts, but I was  
17 looking at the charts attached to the August  
18 25th letter from DHR, and I was looking for  
19 these four properties?

20 PRESIDING OFFICER HONIGBERG: Off the  
21 record.

22 (Discussion off the record)

23 Q So clearly, this is going to be a difficult  
24 question, but can you help find reference to any

1 of these four properties in these charts that  
2 are at the end of the August 25th letter?

3 A (Widell) No. Because this chart is what is  
4 basically the universe of the properties that  
5 have been identified by DHR for the Northern  
6 Pass Project. I do not believe --

7 Q The first chart shows properties that are  
8 determined eligible, but if you continue  
9 looking, there are other charts that show  
10 properties that have been determined not  
11 eligible, and I just can't find reference to any  
12 of these properties on those lists, and I was  
13 assuming that if indeed there had been a  
14 determination that something like the Leighton  
15 Farm, for instance, was not National Register  
16 eligible that it would be on one of those lists  
17 of properties deemed not eligible.

18 A (Widell) There are no properties listed on this  
19 list that state "not eligible." There is listed  
20 "other," and they are the properties that we've  
21 discussed including the five Lake Shore Drive  
22 from Webster Lake that will be sent into DHR  
23 next week.

24 I think what you are looking for which is a

1 sheet that I have which goes through and has a  
2 number of properties including those that I  
3 mentioned that DHR through their deliberations  
4 decided that the property was out of the area of  
5 potential effect. In this case, for example,  
6 the Campton townhouse out of the area of  
7 potential effects not on Route 3.

8 Q What page are you on?

9 A (Widell) Here's the North Hill Road Rural  
10 Historic District. This is not this list. This  
11 is a list that has more information specifically  
12 related to DHR.

13 Q Okay.

14 A (Widell) And why they decided to eliminate --  
15 remember we are down from a total of 186  
16 properties in total that they looked at and 111  
17 that were then inventoried. So there were a  
18 number of properties that were eliminated by DHR  
19 for a number of reasons, and I'm just giving you  
20 a few of those reasons. They have been  
21 identified clearly, and I would expect DHR can  
22 provide that for you.

23 Q So I was looking at electronic pages 20 and 21  
24 of this August 25th document, and that's where

1           there's a two-page chart that says Post-Contact  
2           European-American Sites, and they're all  
3           recommended as not eligible, no further survey.  
4           So these aren't, these are not pre-historic  
5           sites. These are Post-Contact sites, but I  
6           couldn't find any of these properties on that  
7           list either.

8           A     (Widell) I cannot speak to the archeological  
9           sites. I will turn to my colleague.

10          Q     Is it your understanding that the sites on  
11          electronic page 20 are archeological sites?

12          A     (Bunker) Yes.

13          Q     The first item on that list is called the Hobbs  
14          House. Is it your understanding that that's not  
15          actually a house? Perhaps Ms. Bunker?

16          A     (Bunker) It's a cellar hole.

17          Q     Thank you for clarifying that.

18          A     (Bunker) You're welcome.

19          Q     I have a couple more questions. I have a  
20          document that I want to show you which is a  
21          Determination of Eligibility by New Hampshire  
22          DHR. It has dates on it from 2015 and 2016,  
23          says it was received on April 30th, 2015, and  
24          March 15th, 2016, and it's the Project Area Form

1 for the Northern Pass Great North Woods region.  
2 And I want to just show this to you and ask you  
3 one question about it.

4 Is this the document that you referred to  
5 and relied on in answering the questions from  
6 Mr. Baker regarding the Indian Stream Republic  
7 site?

8 A (Widell) Yes.

9 Q Thank you. Okay. I want to pull one more thing  
10 up on my screen.

11 This is the August 25th letter from DHR.  
12 And I'm looking at the last sentence on the  
13 first page. It says as plans for the proposed  
14 Northern Pass Project are further refined, it  
15 would not be unusual to identify additional  
16 properties that may require inventory and  
17 evaluation. Do you see that?

18 A (Widell) Yes.

19 Q Is that consistent with your experience of how  
20 Project review works under Section 106?

21 A (Widell) Sometimes after the Programmatic  
22 Agreement has been signed, as you know there are  
23 provisions in the Programmatic Agreement for  
24 discovery of both aboveground and underground

1 resources. So, yes, I have seen that in my  
2 experience of Section 106.

3 Q I'm now pulling up on the screen a copy of  
4 the -- hold on. What section is this. Site  
5 301.14(b) which is the criteria relative to  
6 finding unreasonable adverse effects which I  
7 know you've been talking about, a lot about this  
8 over the last couple days. And do you see  
9 Criterion (b)(1) which says in determining  
10 whether a proposed energy facility will have an  
11 unreasonable adverse effect, the Committee shall  
12 consider all of the historic sites and  
13 archeological resources potentially affected.

14 A (Widell) Yes.

15 Q And isn't it fair to say that that process  
16 hasn't been completed yet?

17 A (Widell) No. Absolutely not. I believe that we  
18 have, we have identified and they were attached  
19 to the August 25th letter from DHR to SEC of the  
20 identified historic properties likely to be  
21 affected, if at all, by the Northern Pass  
22 Project.

23 Q So has the SEC seen the 10 cultural landscape  
24 nominations?

1 A (Widell) No. They are not. This have been  
2 transferred to the Department of Energy, and I  
3 know that Northern Pass is working extremely  
4 diligently to get them into the hands of the  
5 SEC.

6 Q So how can you reconcile your statement that the  
7 SEC has seen all historic sites when there are  
8 ten cultural landscape nominations that have not  
9 yet been conveyed to the SEC, much less to DHR?

10 A (Widell) I believe you asked me if all of the  
11 historic sites and archeological resources  
12 potentially affected had been identified and  
13 they have.

14 Q Does that mean that you think none of the  
15 cultural landscapes, the ten cultural  
16 landscapes, will be adversely affected?

17 A (Widell) No. But we know what portions of those  
18 cultural landscapes are in the area of potential  
19 effects, and we know the likely effects that  
20 will be caused by this Project to the cultural  
21 landscapes from our previous assessment work.

22 Q But your list which as we've discussed has not  
23 yet received concurrence from DHR, your list has  
24 two of the 10 cultural landscapes listed in it,



1 your list of six?

2 MR. WALKER: Objection. This has been  
3 asked a number of times, again, and answered a  
4 number of times.

5 MS. MERRITT: But the answers are  
6 internally inconsistent. That's what I was  
7 trying to straighten out.

8 PRESIDING OFFICER HONIGBERG: And Ms.  
9 Merritt, if you want to try to pursue an answer  
10 to that question, talk to me, and we'll see if  
11 his objection should be sustained or overruled  
12 or we can come around to get an answer to the  
13 question you want another way. So I heard the  
14 beginning of what you said was that she's  
15 answered the question inconsistently. Why don't  
16 you state your understanding of the way she's  
17 answered the question, and maybe she can  
18 reconcile the two for you.

19 MR. MERRITT: I was tempted to just leave  
20 the contradictions on the record.

21 PRESIDING OFFICER HONIGBERG: That's fine,  
22 too. I'm not sure why you raised it again if  
23 you were satisfied that you had the  
24 contradictions.

1 MR. MERRITT: I wasn't satisfied, but I'm  
2 inclined to stop beating a dead horse at this  
3 hour.

4 PRESIDING OFFICER HONIGBERG: Fair enough.

5 MS. MERRITT: So I'll leave the record as  
6 it is. Thank you for your patience with my  
7 technology here. And so that would end the  
8 questions that I have for Ms. Widell.

9 PRESIDING OFFICER HONIGBERG: Okay.

10 WITNESS WIDELL: Thank you, Ms. Merritt.

11 PRESIDING OFFICER HONIGBERG: I have no  
12 other Intervenor Groups on the list that are  
13 lined up to ask questions of this Panel.

14 When we resume tomorrow, the Subcommittee  
15 will be asking questions, and then Mr. Walker  
16 will have a chance to redirect. Is there  
17 anything else we need to do before we adjourn  
18 for the day?

19 I will say another thing that we're going  
20 to talk about tomorrow, and I don't know if  
21 we'll take any action on it, but we're certainly  
22 going to talk about the schedule going forward.  
23 The Subcommittee will have a discussion about  
24 that. There may be opportunities to ask

1           questions of you or for you to offer thoughts,  
2           but don't count on that. This may just be a  
3           discussion among the Subcommittee about the  
4           schedule going forward.

5           Anything else we need to do? All right.  
6           We'll adjourn and the Subcommittee will be back  
7           five o'clock for the Public Comment Hearing.

8           (Hearing recessed at 3:35 p.m.)

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C E R T I F I C A T E

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, 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.

Dated at West Lebanon, New Hampshire, this 31st day of August, 2017.

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Cynthia Foster, LCR