

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

September 11, 2017 - 9:00 a.m. DAY 31  
49 Donovan Street Morning Session ONLY  
Concord, New Hampshire

*{Electronically filed with SEC 09-18-17}*

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>Christoper Way, Designee</b>	Dept. of Business & Economic Affairs
<b>William Oldenburg, Designee</b>	Dept. of Transportation
<b>Patricia Weathersby</b>	Public Member

**ALSO PRESENT FOR THE SEC:**

Iryna Dore, 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

WITNESS PANEL

TERRENCE DEWAN

JESSICA KIMBALL

Cross-Examination continued by Ms. Connor

3

**E X H I B I T S**

<b>EXHIBIT ID</b>	<b>D E S C R I P T I O N</b>	<b>PAGE NO.</b>
CFP 444	NH Lakes Study-Water Quality Potential Decline May 2007	86
CFP 445	Highland Wind Survey Research Project March 2011	76
CFP 446	Hancock Wind Project Tunk Mtn. Intercepts Final Report	65
CFP 447	FRI-A5 Visual Impact Assmt. Wind Energy and the Marine Wind Energy Act	71
CFP 448	Bull Hill Wind Project DeWan Prefiled Testimony	64
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CFP 456	National Cooperative Highway Research Program Report 741	67
CFP 458	NH Statewide Outdoor Recreation Plan-SCORP 2013-2018	38
CFP 461	Deerfield Communicator Article Town Forest Easement 2014	19
CFP 462	DeWan NPT Scenic Resource Spreadsheet Subarea 1-6	21
CFP 464	Deerfield Historic Sites Map	5

**P R O C E E D I N G S****(Hearing resumed at 9:00 a.m.)**

PRESIDING OFFICER HONIGBERG: Good morning, everyone. We're going to resume with this Panel. Ms. Connor will be asking questions. This is Day 31 of the hearings. Ms. Connor, you may proceed.

MS. CONNOR: Thank you.

**CROSS-EXAMINATION CONTINUED****BY MS. CONNOR:**

Q Good morning.

A Good morning.

Q When we left off on Thursday, we were talking about the different types of resources that qualified as scenic resources under definition 102.45. Do you recall that?

A I do.

Q Okay. And one of the subcategories of definition of resources that we talked briefly about is historic sites, that's subsection (e), and the requirement on historic sites is simply that they possess a scenic quality, correct?

A (DeWan) That's correct.

Q And I believe you told me that virtually all

1 resources possess some scenic quality, including  
2 a junk yard.

3 A I do recall making that statement. We could  
4 elaborate further.

5 Q All right. The definition of historic sites  
6 under the rules, 102.23, includes any buildings,  
7 structure, object, district or area or site  
8 that's significant in the history, architecture,  
9 archeology or culture of not only the state but  
10 also the communities, correct?

11 A (DeWan) I believe so.

12 Q Okay. I am going to show on the ELMO a new  
13 exhibit. It is going to be Exhibit 464 which we  
14 will upload today. I was just given it this  
15 morning.

16 Is that visible for you, Mr. DeWan?

17 A (DeWan) Yes.

18 Q Okay. This is a brochure from the town of  
19 Deerfield celebrating their 250th Anniversary  
20 which was in 2016, and it is a brochure that  
21 identifies all of the historic sites that are  
22 important, at least from the perspective of the  
23 residents of Deerfield. And you can see that  
24 Deerfield Center is right in the center,

1 correct?

2 A (DeWan) I see it there.

3 Q Okay. And am I correct that this Project runs  
4 through Deerfield Center?

5 A (DeWan) Well, Deerfield Center as you're shown  
6 on this map is an oval. Deerfield Center has a  
7 defined definition which the transmission  
8 corridor runs adjacent to.

9 Q Okay. I'm going to pull up Counsel for the  
10 Public CFP 005119. It is a simulation of the  
11 new structure that would be placed on Church  
12 Street in Deerfield Center.

13 MS. DORE: Doreen, what's that exhibit  
14 number?

15 MS. MERRIGAN: That is part of Counsel for  
16 the Public's Exhibit 138.

17 Q Thank you. Now, am I correct, Mr. DeWan, that  
18 the proposed new structure is that monopole sort  
19 of to the right of the church steeple?

20 A (DeWan) That is an illustration that we did not  
21 prepare. We know that there will be a monopole  
22 structure somewhere in the vicinity of the  
23 church.

24 Q And that is in fact in downtown Deerfield

1 Center, is it not?

2 A (DeWan) I wouldn't use the term downtown, but  
3 it's within the Deerfield Center area.

4 Q Can we go back now to the Deerfield Center map?

5 How many historic sites did you identify in  
6 the town of Deerfield?

7 A (DeWan) We'll have to pull that up for a minute.

8 Q Am I correct that you identified only the Center  
9 and the Town Hall because they were listed on  
10 the National Register of Historic Places?

11 A (Kimball) No. We've also identified Bear Brook  
12 State Park that has a Historic District.  
13 Deerfield Fairgrounds were mentioned in the  
14 Master Plan as having historic and cultural  
15 significance.

16 Q Did you identify any structures outside of the  
17 Town Hall?

18 A (Kimball) We did not identify any publicly  
19 accessible structures outside of the Town Hall  
20 area.

21 Q And would you agree that if the Town Hall is  
22 within 10 miles of a structure, the rest of  
23 Deerfield Center is going to be within 10 miles  
24 of a structure?

1 A (DeWan) That is correct.

2 Q Okay. The second page of this Deerfield  
3 brochure identifies all of the historic homes  
4 that are important to the residents of Deerfield  
5 that are arguably impacted by this proposal; and  
6 with the exception of the Town Hall, you didn't  
7 identify a single one, did you?

8 A (DeWan) We did not identify any private  
9 residences.

10 Q Okay.

11 A (DeWan) Because those are not by definition  
12 scenic resources.

13 Q Well, the definition of a scenic resource is a  
14 historic site which is any building, structure,  
15 object that's significant to the community that  
16 possesses a scenic quality, correct?

17 A (DeWan) The scenic resource definition says it  
18 has to be, the public has a legal right of  
19 access so those are the only ones that we  
20 identified and considered.

21 Q But earlier when we were talking about scenic  
22 views you indicated that if the public had, I  
23 believe your term was "visual access" to a  
24 resource it could be characterized as a scenic



1 resource. And certainly the residents of  
2 Deerfield have visual access to all of these  
3 structures, don't they?

4 A (DeWan) I don't believe that's how, that was, I  
5 don't believe that's exactly what we said.

6 Q Okay. All right. I will move on. Can we  
7 switch back now to the computer?

8 We also introduced some views from roads  
9 the last time we were together, and I believe  
10 that we had a discussion about whether there was  
11 public access to those various views. I want to  
12 pull up APP 36054 which is from Applicant's  
13 number 17.

14 MS. DORE: For the record, it's not  
15 Applicant's 17. It's Applicant's 71.

16 MS. CONNOR: Okay.

17 BY MS. CONNOR:

18 Q Can we zoom in on the introduction?

19 Mr. DeWan, I realized after we looked at a  
20 number of the private property simulations that  
21 you prepared last week that in your  
22 introduction, in fact, you confirmed that the  
23 majority of those photos were in fact taken from  
24 the public road and not from any private

1 property, and that's what your introduction  
2 says, correct?

3 A (DeWan) That is correct. I believe that we said  
4 that we did not go onto private properties, but  
5 we showed representative views as closely as we  
6 could to what the residents of those private  
7 properties may experience.

8 Q Right. But because, in fact, you were able to  
9 take those photographs from the public road as  
10 opposed to any particular private individual's  
11 backyard, the public has access to all of those  
12 views that we were discussing last week?

13 A (DeWan) Not necessarily. Not all of the views.

14 Q Well, on 27 of the 28 photo sims that you did  
15 you were able to take them not from any private  
16 land but from the public accessible road,  
17 correct?

18 A (DeWan) I'd have to go back and check each  
19 individual one, but that's probably a fair  
20 statement.

21 Q Well, that's exactly what your introduction  
22 says, does it not?

23 A (DeWan) They're meant to approximate the views  
24 from these properties.

1 Q No attempt was made to enter onto private  
2 property to take the photographs with the  
3 exception of one property, that on Mount  
4 Prospect Road; is that correct?

5 A That's correct.

6 Q And therefore, these private property views fall  
7 within definition 102.45, but you didn't include  
8 any of them in your list of scenic resources,  
9 did you?

10 A (DeWan) For the most part we did not consider  
11 most of them to be scenic resources.

12 Q Okay. I need to make one correction for the  
13 record. Last week we pulled up Counsel for the  
14 Public Exhibit 459. Can you pull that up now?

15 This was out of order in my material. I  
16 represented that it was a school, Profile. It  
17 is actually on a public road. Howland Road in  
18 Clarksville. And you included it in one of your  
19 winter simulations, and I'd like to pull that up  
20 now. It would be Exhibit 17, Exhibit 1, APP  
21 36061.

22 There it is. Do you recognize that as one  
23 of the simulations that you did of a private  
24 view?

1 A (DeWan) I do.

2 Q And can you point out, well, you can't point out  
3 because that's not going to show up here. Can  
4 you describe the location of the structures  
5 going up over the mountaintop?

6 A (DeWan) These structures are latticework  
7 structures, I believe. In this particular  
8 viewpoint you see three latticework structures.  
9 They go across the top of the low hill in the  
10 middle, and it goes diagonally down the slope  
11 and disappears behind the red shed on the right  
12 side of the photograph.

13 Q Am I correct that the structures go right up  
14 over -- there you go. Good.

15 They go right up over the ridgeline? The  
16 top of the mountain?

17 A (DeWan) They ascend the ridgeline. I don't know  
18 if they go right over the top of it or not.

19 Q Can we zoom in on the top?

20 MS. DORE: Doreen, while we're zooming,  
21 it's not 17. Is that 71?

22 MS. MERRIGAN: That's Applicant's Exhibit  
23 71.

24 BY MS. CONNOR:

1 Q That's fine. There you go. You got a good view  
2 of it.

3 Would you agree that it goes up over the  
4 top of the mountain view?

5 A (DeWan) I would say it goes up over the hill  
6 that's present in the photograph.

7 Q Would you agree that these galvanized structures  
8 are going to be much more visible in the summer  
9 against the green forests than they are in this  
10 winter simulation?

11 A (DeWan) They may be depending upon lighting  
12 conditions and the age of the structures.

13 Q And you did not do a leaf-on photo simulation of  
14 this, did you?

15 A We did not.

16 Q And that's because you didn't consider this a  
17 scenic resource even though it is a scenic view  
18 from a public road.

19 A (DeWan) We did this because we were asked to  
20 supply representative views of private, from  
21 private properties, and that's why we did this  
22 one.

23 Q Okay. Site Rule 102.45(c) also includes all  
24 lakes, ponds, and rivers within a 10-mile

1 radius, correct?

2 A That is not correct.

3 Q Well, it includes all lakes, ponds, and rivers  
4 that possess a scenic quality, and you have to  
5 identify them within a 10-mile corridor of the  
6 structures, correct?

7 MR. NEEDLEMAN: Objection. That's not what  
8 the rule says.

9 PRESIDING OFFICER HONIGBERG: Ms. Connor?

10 MS. CONNOR: Let me rephrase it.

11 BY MS. CONNOR:

12 Q Am I correct that Site Rule 102.45 defines a  
13 scenic resource to include lakes, ponds, rivers  
14 that possess a scenic quality?

15 MR. NEEDLEMAN: Same objection.

16 PRESIDING OFFICER HONIGBERG: I don't have  
17 it in front of me. What does it say?

18 MS. CONNOR: I read it. Scenic resources  
19 to which the public has a legal right of access?  
20 Is that the concern here?

21 MR. NEEDLEMAN: No. The concern is it says  
22 lakes, ponds, rivers, parks, scenic drives and  
23 rides, and other tourism destinations. I think  
24 that's a critical qualifier.

1 MS. CONNOR: Okay.

2 BY MS. CONNOR:

3 Q Do we agree that that is, in fact, the  
4 definition of a scenic resource under Site Rule  
5 102.45?

6 PRESIDING OFFICER HONIGBERG: Are you going  
7 to have a legal argument with this witness today  
8 like you did the last time you were with him  
9 about what these rules mean?

10 MS. CONNOR: I'm not trying to.

11 PRESIDING OFFICER HONIGBERG: You were  
12 doing a really good job of it last time, and it  
13 sounds like you're moving in the same direction.  
14 He's not a lawyer.

15 MS. CONNOR: All right.

16 PRESIDING OFFICER HONIGBERG: You can ask  
17 him what he did, you can ask him what his  
18 understanding is, but don't ask him what the  
19 rules means because the lawyers are there for  
20 that. Okay?

21 MS. CONNOR: Okay.

22 BY MS. CONNOR:

23 Q Sir, do you know how many water bodies you  
24 identified with potential view within a 10-mile

1 corridor of this Project?

2 A (DeWan) I couldn't give you an exact number.

3 Q Can you give me an approximation?

4 A (DeWan) I would say probably four or five dozen  
5 water bodies.

6 Q How does that compare with the list identified  
7 by T.J. Boyle?

8 A (DeWan) We've not counted the number of water  
9 bodies in the T.J. Boyle report.

10 Q Would you agree that their list is substantially  
11 larger?

12 A (DeWan) I would not be surprised.

13 Q Did you identify every water body with potential  
14 visibility?

15 A (DeWan) I believe we did.

16 Q Well, after our hearing last week, you visited  
17 Thurston Pond in Deerfield, did you not?

18 A (DeWan) That's correct.

19 Q That is not on your list, is it?

20 A (DeWan) That's correct.

21 Q Thurston Pond was identified by T.J. Boyle,  
22 wasn't it?

23 A (DeWan) We believe so.

24 Q Can we pull up Deerfield Abutter Exhibit 76?



1 Am I correct that the proposed structures  
2 in this Project will be visible from Thurston  
3 Pond?

4 A (DeWan) I think that's a fair assumption.

5 Q And you were able to gain public access to  
6 Thurston Pond, were you not?

7 A (DeWan) We were, we didn't know if it was public  
8 accessibility or not. When we turned off of the  
9 main road we saw private property signs. We  
10 parked at the end of the road. I know we  
11 questioned about whether or not we should even  
12 go forward. We got out of the car. We didn't  
13 know exactly where it was. We looked at our  
14 Google Earth maps. We saw a pathway that  
15 continued in the direction which we assumed was  
16 towards the pond. An individual came out of an  
17 abutting house and asked us if we were lost, and  
18 we explained what we were looking for, and she  
19 then decided to bring us up to the pond.

20 Q In fact, she told you that this, that the pond  
21 is regularly used by residents, and she even  
22 offered to show you the historic mill on her  
23 property, did she not?

24 A (DeWan) I do not recall her saying the property

1 is regularly used. I believe she said she gets  
2 quite a few people who end up there because they  
3 rely upon GPS documentation and they end up  
4 being lost.

5 Q And the pond backs up to a Town Forest as well,  
6 does it not?

7 A (DeWan) It's a conservation of the Alvah Chase  
8 Town Forest.

9 Q To which the public in Deerfield has access.

10 A (DeWan) I don't know if there is any way to get  
11 back to the Alvah Chase Forest. We didn't see  
12 any pathways that went there.

13 Q You did identify the Alvah Chase Forest  
14 Conservation as a scenic resource but not  
15 Thurston Pond, correct?

16 A (DeWan) That is correct. Yes.

17 Q And so as long as there is indeed public access  
18 to Thurston Pond, it would qualify as a scenic  
19 resource under the broad definitions, correct?

20 A That is not correct.

21 MR. NEEDLEMAN: Objection.

22 PRESIDING OFFICER HONIGBERG: Okay. He's  
23 already answered that it's not correct. Maybe  
24 you want to have another go at him.

1 BY MS. CONNOR:

2 Q Okay. Sir, why wouldn't Thurston Pond qualify  
3 in your opinion as a scenic resource?

4 A (DeWan) If I could repeat the definition, under  
5 102.44(d), lakes, ponds -- and this is a pond --  
6 rivers, parks, scenic drives and rides and other  
7 tourism destinations that possess a scenic  
8 quality. We do not consider Thurston Pond to be  
9 a tourism destination.

10 Q All right. If that's the case, sir, why did you  
11 visit it last week?

12 A As landscape architects, we're always interested  
13 in the landscape. We heard somebody ask the  
14 question of the historic consultant about the  
15 area, we knew we had not been there, we decided  
16 to take a look at it.

17 Q In the town of Deerfield, you identified how  
18 many state or how many Town Forests?

19 A (Kimball) Three Town Forests.

20 Q Can we pull up Exhibit 461?

21 A (Kimball) Four Town Forests, correction.

22 Q Counsel for the Public Exhibit 461 identifies  
23 how many Town Forests in Deerfield?

24 A (Kimball) Eight.

1 Q So you did not identify all of the Town Forests  
2 in Deerfield, did you?

3 A (Kimball) Well, let's see. We identified Arthur  
4 Chase. We identified the Dowst-Cate Town  
5 Forest. We did not identify Hart. I don't know  
6 that it's in the APVI. Just because it's in  
7 Deerfield doesn't mean it has potential  
8 visibility. We did identify Lindsay, Weiss,  
9 Freese, McNeil, and Wells. So all but Hart have  
10 been identified on our list.

11 Q Shouldn't Hart also have been identified?

12 A (Kimball) Not necessarily. If it's not within  
13 the APVI, then it didn't need to be identified.

14 Q Isn't the purpose to initially start large and  
15 to identify all potentially visually impacted  
16 scenic resources and then do your computer  
17 analysis for viewing?

18 A (Kimball) No. The purpose is to identify all  
19 scenic resources located within the APVI.

20 Q Okay. Do you know how many school athletic  
21 facilities you identified in this  
22 2800-square-mile corridor?

23 A (Carbonneau) We do not.

24 Q Let's just pick up one town. I'm going to pick

1 up Franklin. Which is in. --

2 MS. DORE: Doreen, may I ask? 461 was not  
3 updated on the ShareFile. Is that the intent of  
4 the parties to update it?

5 MS. DOREEN: It's going to be updated  
6 today.

7 BY MS. CONNOR:

8 Q Franklin is in subarea 4, Sandie.

9 Have you also been able to pull it from  
10 your own records up there?

11 A (Kimball) What are we supposed to be looking  
12 for?

13 Q The town of Franklin. The resources that you  
14 identified?

15 Can we just zoom in on Franklin so it's a  
16 little bit easier to read?

17 MS. DORE: Can you please identify what  
18 you're looking at?

19 MS. CONNOR: Excuse me?

20 MS. DORE: What are we looking at? Can you  
21 identify the exhibit, please?

22 MS. CONNOR: It is Exhibit number 462 which  
23 also will be uploaded today.

24 MS. DORE: Doreen, is that a one-page

1 exhibit or what page are we looking at of the  
2 exhibit?

3 MS. CONNOR: It is a 4-page exhibit, and we  
4 are looking at page, hopefully, we will be  
5 looking at page 3. 3 and 4.

6 BY MS. CONNOR:

7 Q Have you also been able to pull up Franklin from  
8 your own records? Because these are from your  
9 summaries.

10 MS. DORE: Some of the Committee members  
11 cannot read it. Can we enlarge it?

12 MS. CONNOR: We're going to try.

13 BY MS. CONNOR:

14 Q Did you identify any recreational athletic  
15 facilities at schools in the town of Franklin?

16 A (Kimball) I see Daniel Park Municipal Park and  
17 Sports Field.

18 Q Did you identify any athletic facilities at any  
19 school in the town of Franklin?

20 A (Kimball) We identified a number of parks which  
21 might be associated with schools. I don't know  
22 if any of the ones we identified are associated  
23 with a particular school.

24 Q Did you review T.J. Boyle's list for Franklin?

1 A (Kimball) Of the 18,000 that were listed?

2 Q Or the 7,000 refined list.

3 A (Kimball) We reviewed it.

4 Q Can we pull up Counsel for the Public page  
5 004581?

6 MS. DORE: Which exhibit?

7 MS. CONNOR: This is Exhibit 138.

8 BY MS. CONNOR:

9 Q At the very bottom of the page of Exhibit  
10 Counsel for the Public 138, we see the Bessie  
11 Rowell School as identified as in the recreation  
12 inventory; is that correct?

13 A (DeWan) I see that it's there.

14 Q Okay. If we go to the next page, we should see  
15 three more school recreation areas. We see  
16 Franklin High School, we see Franklin Middle  
17 School, and we see the Paul Smith School. Those  
18 are four school recreational areas identified by  
19 T.J. Boyle that were not identified in your  
20 list; is that correct?

21 A (DeWan) That seems to be the case.

22 Q And you would agree with me that the public has  
23 a right of access to the recreational fields at  
24 the schools?

1 A (DeWan) Well, this list talks about schools. I  
2 don't know if the public has a right to enter a  
3 school. And we don't know from this list  
4 whether or not there are outside recreational  
5 facilities associated with it.

6 Q Okay. If we assume, hypothetically, that there  
7 are recreational facilities at the schools, and  
8 if we assume, hypothetically, that the public  
9 has access to them, shouldn't these four schools  
10 have been identified by you?

11 A (DeWan) If they have, if their viewshed analysis  
12 shows that there is the potential to have an  
13 adverse effect.

14 Q Okay. The last category of scenic resources in  
15 Rule 102.45 talks about towns and village  
16 centers; does it not?

17 A (DeWan) I believe that's correct.

18 Q Towns and village centers that possess a scenic  
19 quality. Is that correct?

20 A (DeWan) That's what the wording is, yes.

21 Q Do you know how many town and village centers  
22 you identified in your overall list of scenic  
23 resources?

24 A (DeWan) I could not give you an exact number.



1 Q Well, I counted them up, and I came up with only  
2 one outside of three that were listed because  
3 they were on the National Register and that was  
4 the Plymouth Town Common. Does that surprise  
5 you?

6 A (DeWan) I am surprised. I don't know that  
7 that's accurate.

8 Q Well, that was my best guess at counting them  
9 all up. Can you give me an approximate number  
10 of what you think the accurate count is?

11 A (DeWan) I would have to go through the report.

12 Q Okay. Do you know how many towns and village  
13 centers T.J. Boyle identified?

14 A (DeWan) I believe it was a couple of dozen. I  
15 don't know the exact number.

16 Q Can we pull up Counsel for the Public Exhibit  
17 139, Appendix G, page 005420?

18 I will represent that on your list you  
19 included Plymouth Town Common, Bristol Central  
20 Square which is historic, Concord Historic  
21 District and the Deerfield Historic Center.  
22 Four.

23 Can we go to page 2? T.J. Boyle identified  
24 those same four that you identified, but it also

1 identified 38 additional town and village  
2 centers that possess a scenic quality  
3 potentially impacted by this Project. You did  
4 not make any attempt to visit these additional  
5 towns and village centers, did you?

6 A (DeWan) That's not correct.

7 Q Can you explain to me, sir, why it is that T.J.  
8 Boyle identified 42 towns and village centers  
9 potentially impacted and you identified four?

10 A (DeWan) First of all, he went out 10 miles which  
11 is what the requirement is using the bare earth  
12 way of looking at the viewshed analyses. We  
13 looked at it from our perspective, as we talked  
14 about last time, using what is visible right now  
15 using the vegetative viewshed modeling which  
16 also includes buildings, and our determination  
17 was that many of these that are shown on his  
18 list of three dozen or so would have no  
19 visibility of the Project.

20 MS. DORE: Doreen, for the record, page 2  
21 is Counsel for the Public for the public 139  
22 page 5421.

23 MS. CONNOR: Thank you.

24 BY MS. CONNOR:

1 Q So you didn't identify these additional town and  
2 village centers within 10 miles of the Project  
3 because it was your determination that there  
4 wasn't going to be a realistic visibility from  
5 the structures; is that what you're saying?

6 A (DeWan) That the Project would not be visible  
7 from distances of five to 10 miles away.

8 Q Can we pull up your Methodology Flow Chart?

9 MS. DORE: Exhibit number?

10 MS. MERRIGAN: That's going to be  
11 Applicant's Exhibit 1 Appendix 17, and it's  
12 Bates stamp number APP 14310.

13 Q Can we zoom in on the top so it is legible? The  
14 flow chart?

15 Sir, am I correct that the discussion we've  
16 been having about the identification of scenic  
17 resources is before you have done any computer  
18 analysis about visibility? In other words, it  
19 is the very first step where you came up with,  
20 initially, 525 sites plus your supplement for a  
21 total of 597?

22 A (Kimball) That's correct. We made an attempt to  
23 identify all scenic resources and then filtered  
24 through.

1 Q So town centers and villages potentially  
2 impacted within 10 miles would have been part of  
3 step 1 before you make your determination about  
4 visibility?

5 A (Kimball) At this point we were operating within  
6 a three-mile radius.

7 Q But you went back to do a 10-mile radius, and  
8 you still didn't identify most of the towns and  
9 villages potentially impacted, did you?

10 A (Kimball) That's correct, but when we went back  
11 to conduct the analysis from 3 to 10 miles, we  
12 did not identify all scenic resources from three  
13 to 10 miles and then narrow out for the APVI.  
14 We only identified those within the APVI as  
15 required by the regulations.

16 Q So, in other words, when you did the 10-mile  
17 analysis, which is required by the rules, you  
18 didn't follow your Methodology Chart?

19 A (Kimball) We followed the rules that state we  
20 have to identify scenic resources within the  
21 APVI.

22 Q Let's talk a little bit about this process of  
23 when you went from three miles -- actually, you  
24 went from five miles initially and then five to

1 10 miles out, correct?

2 A (DeWan) We concentrated within the area within  
3 three miles. At that point when we did this,  
4 the rules had not been adopted yet, and we used  
5 our professional judgment based upon the work  
6 we've done over many other transmission  
7 corridors. We also, though, realizing the hilly  
8 nature of the surrounding landscape asked the  
9 computer to go out five miles. We concentrated  
10 within a three-mile band.

11 Q Can we see Counsel for the Public Exhibit 138,  
12 page CFP 00373? Can you zoom? I only need the  
13 elevation.

14 Sir, you have seen this illustration  
15 before, have you not?

16 A (DeWan) We have.

17 Q It's part of Counsel for the Public's report?

18 A (DeWan) That is correct.

19 Q And this illustration, as I understand it, the  
20 circle, the small gray circle shows the zero to  
21 five-mile computer radius you used to determine  
22 visibility around each structure, correct?

23 A (DeWan) When we wrote our original VIA, that is  
24 the viewshed that we looked at.

1 Q And at that point, you didn't perform the zero  
2 to 10-mile computer radius?

3 A (DeWan) No. We did not.

4 Q But you did in your Supplement?

5 A (DeWan) That is correct.

6 Q As I understand it, in your Supplement when you  
7 went out to 10 miles you used the centerline; is  
8 that correct?

9 A (DeWan) That is correct.

10 Q And as a result of that modeling that you used  
11 in February of 2016, Counsel for the Public's  
12 expert Boyle has identified areas depicted by  
13 the red hatchmarks where visibility of a  
14 structure in the five to 10-mile corridor would  
15 not have been identified; is that correct?

16 A (DeWan) That's correct.

17 MS. DORE: Doreen, for the record, the  
18 exhibit we were looking at was Counsel for the  
19 Public 138 and page is 3750, not 373.

20 MS. CONNOR: Thank you.

21 BY MS. CONNOR:

22 Q Another limitation with the computer modeling  
23 that you used when you went out from the five to  
24 10 miles arises when a scenic resource such as a

1 Historic District is identified as a single  
2 point versus an area, correct?

3 A (Kimball) Can your clarify?

4 Q Sure. In other words, if we have a Historic  
5 District such as Lancaster district that we were  
6 talking about last Thursday, if you identified  
7 that on your computer modeling as a single point  
8 versus multiple points because it is an area,  
9 there are points that could be missed, correct?

10 A (Kimball) Anything that was polygon was treated  
11 as a polygon in the identification of  
12 visibility. So if a district had been mapped or  
13 a conservation area had been mapped, we were  
14 looking at visibility on the polygon, not a  
15 point.

16 Q But areas within the red hatched area would have  
17 been missed.

18 A (Kimball) That's correct, and we went back in  
19 April of 2017, reran the viewshed area to  
20 capture the area in red, and came up with a  
21 handful of areas that were within the red. So  
22 the analysis has been completed.

23 Q As a result of the computer modeling, you  
24 eliminated more than 50 percent of the scenic

1 resources you identified; is that correct?

2 A (Kimball) I don't know if that's correct. What  
3 are you referencing?

4 Q Well, according to your Methodology Chart, you  
5 went from 525 down to 200; is that correct?

6 A (Kimball) So within the three-mile area. The  
7 initial October of 2015.

8 Q Correct. And when you went out 10 miles, you  
9 added 72, and you substantially reduced that  
10 number as well in terms of the Supplement?

11 A (Kimball) We did not reduce it from 72.

12 Q Let's move on to ranking. You were required to  
13 characterize the potential visual impacts on  
14 each of the identified scenic resources on a  
15 high, medium or low scale. Is that correct?

16 A (DeWan) That's the requirement of the rules.

17 Q And the rules as we have found are pretty  
18 specific. They give you a list of evaluation  
19 factors for that ranking, do they not?

20 A (DeWan) That's correct.

21 Q Can we pull up Counsel for the Public Exhibit  
22 138. Hopefully, the Bates number is CFP 00509.

23 Sandie, can you read in the Bates number  
24 since I missed a zero?



1 MS. MERRIGAN: It's Counsel for the  
2 Public's Exhibit 138, Bates stamped number CFP  
3 005009.

4 BY MS. CONNOR:

5 Q Mr. DeWan, do you recognize this as T.J. Boyle's  
6 ranking form?

7 A I do.

8 Q And can we blow up the second, the bottom half  
9 of that, Sandie? Much better.

10 Am I correct that this form includes each  
11 of the 8 factors that are identified in Site  
12 Rule 301.05(b)(6)?

13 A I believe it does.

14 Q And am I correct that Counsel for the Public's  
15 expert ranked each potentially visible scene  
16 being resource by using these factors at a high,  
17 medium and low basis?

18 A (DeWan) It appears that they did.

19 Q You did not use such a form, did you?

20 A (DeWan) We did not use a form like this.

21 Q You're familiar with this type of form, are you  
22 not?

23 A (DeWan) I am.

24 Q And, in fact, you've used similar forms for

1 Maine wind projects, correct?

2 A (DeWan) We've used similar forms.

3 Q Correct. Like I'm probably going to  
4 mispronounce this and I apologize. But the  
5 Passadumkeag Wind Project in Penobscot, Maine?

6 A Passadumkeag, perhaps?

7 Q Yes. Did you in fact use a form similar to this  
8 that ranked significance of the resource, the  
9 character of the surrounding area, viewer  
10 expectation, viewer purpose and context, viewer  
11 extent, nature and duration of continued use and  
12 enjoyment as well as scope and scale on that  
13 project?

14 A (DeWan) I would have to go back and look at my  
15 Passadumkeag VIA. We've done a lot of work in  
16 this area.

17 Q And you're certainly familiar with forms such as  
18 this.

19 A (DeWan) I am familiar with forms such as this.

20 Q And you understand that this form lists includes  
21 all of the factors required by the rules;  
22 nothing more, nothing less?

23 A (DeWan) That's correct.

24 Q Am I correct that instead of using a form like

1 this, after you identified scenic resources,  
2 after you did computer modeling, the next thing  
3 that you did was to apply a cultural value  
4 filter?

5 A (DeWan) That's not the term we use, but we did  
6 look at the cultural value, yes.

7 Q And that resulted in eliminating a number of  
8 scenic resources from further review; did it  
9 not?

10 A (DeWan) No, it's not correct.

11 Q Okay. Well, we started with 200. After  
12 computer modeling and after you did your scenic  
13 significance rating, we ended up with 70. Is  
14 that correct?

15 A (DeWan) That is correct.

16 Q Site Rule 301.05(b)(6) does not contain a  
17 cultural value factor, does it?

18 A (DeWan) It does not call it out per se.

19 Q Can we pull up Site Rule 301.05(b)(6)? I want  
20 you to zoom in on 6. I believe there is one  
21 factor on the next page. So can we just have  
22 (a) to (h)? I know I'm asking a lot.

23 Fair to say that the form which T.J. Boyle  
24 used, they lifted the factors directly out of

1 the Site Rule?

2 A (DeWan) Appears they did.

3 Q Yes. And we can go through these various  
4 subcategories, but I think you've already told  
5 me that you acknowledge the Rule's ranking  
6 elements which you are to apply on a high,  
7 medium and low basis do not specifically address  
8 cultural value, do they?

9 A (DeWan) I think that's a fair statement.

10 Q Okay. Can we go to Applicant 17, Exhibit 1, APP  
11 14316? The far right-hand side, Low Cultural  
12 Value. Can we blow that up so it's legible?

13 Sir, am I correct that this is the  
14 methodology page from your report that talked  
15 about how you applied a cultural value scenic  
16 significant rating?

17 A (DeWan) This is from our methodology section of  
18 our original VIA.

19 Q Yes. And items, I've blown up the definition of  
20 your, your definition of Low Cultural Value,  
21 have I not?

22 A (DeWan) That is correct.

23 Q And as I understand it, items that were ranked  
24 with a Low Cultural Value were eliminated from

1 further review, correct?

2 A (DeWan) That is not correct.

3 Q Well, they were eliminated from further review  
4 unless they had a High Visual Quality, correct?

5 A (DeWan) We looked at them initially. We then  
6 went back in April of this year, I believe, and  
7 did a further evaluation on those that were put  
8 into a separate bucket, as it were, called Low  
9 Cultural Value.

10 Q 180 sites did not receive an individual impact  
11 assessment because they had a Low Cultural  
12 Value; is that correct?

13 A (DeWan) I don't know if that's the exact number,  
14 but it's a ballpark number.

15 Q And those with a Low Cultural Value include  
16 what?

17 A (DeWan) Includes ones that you see on the list  
18 on the screen right now.

19 Q So every Town Forest has a Low Cultural Value;  
20 is that correct?

21 A (DeWan) That's, these are characterized in terms  
22 of determining significance to meet the criteria  
23 of the SEC rules.

24 Q But we already established, sir, did we not,

1 that the ranking that you are required to do on  
2 a high, medium and low don't contain a cultural  
3 value filter, do they?

4 A (DeWan) That is correct. Our approach was to  
5 look, shall we say, to the end game and try to  
6 identify those places that had high  
7 significance.

8 Q So you eliminated conservation land, town  
9 forests, municipal recreational areas from any  
10 further individual assessment because you  
11 determined they have Low Cultural Value?

12 A (DeWan) That is not correct.

13 Q Everything on this list was designated with a  
14 Low Cultural Value.

15 A (DeWan) I think for the most part. That's how  
16 they were designated.

17 Q But that's not how they're designated for  
18 ranking under the rules.

19 A (DeWan) I do not believe the rules specifically  
20 talk about ranking scenic resources. That was  
21 part of our methodology.

22 Q Can we pull up Counsel for the Public Exhibit  
23 458, Bates stamp CFP 013189?

24 Sir, you've seen this report because it's

1 part of -- it's referenced by T.J. Boyle,  
2 correct?

3 A (DeWan) This appears to be from the SCORP  
4 report?

5 Q Yes. According to this report, there's  
6 reference to a New Hampshire States Parks  
7 Ten-Year Strategic Development Plan, and that is  
8 the last bullet item on CFP 013189. Can we blow  
9 that up so I can read it?

10 Sir, according to the New Hampshire State  
11 Parks Ten-Year Strategic Development Plan, what  
12 are the most popular outdoor activities?

13 A (DeWan) If I can read from that quote, include  
14 wildlife observation, driving for pleasure,  
15 sightseeing, and jogging/running/walking. Day  
16 hiking tends to be more popular in New Hampshire  
17 than the national average.

18 Q Can we go to the next page of this exhibit?  
19 Which should be a bar graph. It is not. Let's  
20 go to CFP 013191. I'm sorry. Two pages in.  
21 Perfect. Can we blow that up a little bit more?

22 According to this bar graph, sir, what is  
23 the greatest, what activity do the greatest  
24 percentage of New Hampshire residents

1 participate in in terms of active outdoor  
2 recreation?

3 A (DeWan) It appears that the bottom category  
4 called Wildlife Viewing.

5 Q Okay. Would you agree, sir, that New Hampshire  
6 residents interested in wildlife viewing, some  
7 42 percent, would be likely to visit their Town  
8 Forest and their conservation areas?

9 A (DeWan) To participate in bird watching and  
10 other wildlife watching, that would be one of  
11 many places that that type of an individual may  
12 select to go to.

13 Q And yet you have categorized Town Forests and  
14 conservation areas as having Low Cultural Value  
15 which by and large eliminated then from an  
16 individual Visual Impact Analysis, correct?

17 A (DeWan) That's how we categorized those types of  
18 resources.

19 Q Can we pull up the summary from subarea 5?

20 MS. DORE: Exhibit number?

21 MS. MERRIGAN: That's part of Counsel for  
22 the Public's Exhibit 462. For legibility  
23 purposes, I'm going to use the native file.

24 BY MS. CONNOR:



1 Q When you get this up, Sandie, I want to look at  
2 Concord which, fortunately, begins on page 1.

3 MS. DORE: And that exhibit will be  
4 uploaded?

5 MS. CONNOR: Yes.

6 BY MS. CONNOR:

7 Q Perfect. Sir, can you identify or read into the  
8 record the number of scenic resources that you  
9 originally identified that have possible  
10 visibility of this Project that you then  
11 assigned a Low Cultural Value in the City of  
12 Concord?

13 A (DeWan) You're looking for those resources that  
14 have both a "Low" and a "Yes" next to them?

15 Q Correct. The "low" is the cultural assignment  
16 that you designated. The "yes" in the second  
17 column means they have visibility of the  
18 Project, correct?

19 A (DeWan) Okay. Contoocook River Park. White  
20 Park. Garrison Park. And the last is Terrill  
21 Park.

22 Q Let's go up a little. Bicentennial Square,  
23 Eagle Square, Spears Park, Blood Coalition  
24 Easement, Richards Community Forest, the Randall

1 Property? A number of community scenic  
2 resources with visibility of this Project did  
3 not receive individual Visual Impact Analysis  
4 because you concluded they had Low Cultural  
5 Value; is that correct?

6 A (DeWan) Well, there's also a practical sense,  
7 too, in looking at the distance from the line.  
8 We knew that at a distance of two and a half  
9 miles, let's say, 2.3 miles for Bicentennial  
10 Square, the opportunity to have a significant  
11 visual impact on a particular piece of property  
12 probably surrounded by trees and structures is  
13 going to be very, very low.

14 Q I understand that we will get to visual quality,  
15 but these were scenic resources that you  
16 identified that you concluded have possible  
17 visibility but because of your low cultural  
18 rating they did not receive an individual visual  
19 impact analysis, correct?

20 A (DeWan) Not at this point. As I said earlier,  
21 we went back and looked at all these areas that  
22 received a low rating for cultural value and  
23 that also seemed to have some potential for  
24 visibility and did further evaluation on all of

1           them.

2           Q     There were 130 sites out of 200 that were  
3           dropped out of the process because they were  
4           assigned a low cultural rating, correct?

5                     MR. NEEDLEMAN:  Objection.  Asked and  
6           answered.

7                     PRESIDING OFFICER HONIGBERG:  You can  
8           answer again.

9           A     (DeWan) I don't know if that's the exact number.

10          Q     Is that within the ballpark, sir?

11          A     (DeWan) It's in the general ballpark.

12          Q     After you rated these scenic resources with  
13               possible visibility for cultural value, you then  
14               did something called a visual quality  
15               evaluation, right?

16          A     (DeWan) That's correct.

17          Q     Can we pull up Applicant Exhibit 1, Appendix 17,  
18               APP 14317?  Can we get rid of the chart on the  
19               left-hand side so -- can you blow up the  
20               evaluation chart?

21                     All right.  Sir, am I correct that this is  
22               the Visual Quality Evaluation Chart from your  
23               report?

24          A     (DeWan) That is correct.

1 Q And this was sort of the third step in the  
2 process. We identify the scenic resource, step  
3 number 1. Step number 2, we do the possible  
4 visibility through computer modeling. Step 3,  
5 scenic significance, cultural value assessment  
6 which we just talked about and now a visual  
7 quality assessment.

8 A (DeWan) This is the Visual Quality Evaluation  
9 Chart that we used.

10 Q Is this chart loosely based upon the definition  
11 of scenic quality in Site Rule 102.44?

12 A (DeWan) This is a chart that's based upon the  
13 Bureau of Land Management Visual Resource  
14 Management Protocol. I can't say that it's  
15 loosely based upon the definition of scenic  
16 quality, but it gets to the question of what is  
17 the visual quality of a particular resource.

18 Q Well, Site Rule 102.44 with respect to  
19 proceedings before this Panel defines scenic  
20 quality as, quote, "a reasonable person's  
21 perception of the intrinsic beauty of land  
22 forms, water features, or vegetation in the  
23 landscape as well as any visible human additions  
24 or alterations to the landscape." Do you

1 recognize that as the definition that we are  
2 working with?

3 A (DeWan) Yes. We read that the last time.

4 Q Okay. And the definition of scenic quality does  
5 not include color, views or uniqueness as  
6 stand-alone factors, does it?

7 A (DeWan) Not specifically.

8 Q And yet those are additional characteristics  
9 that you used in your Visual Quality Evaluation  
10 Chart?

11 A (DeWan) Well, the definition doesn't have  
12 evaluation definitions. Just asks about the  
13 various features that make up the landscape.  
14 You know, this chart is a way of looking at the  
15 landscape in applying a methodology that enables  
16 a reasonable person to make that judgment.

17 Q Under the SEC definition of a scenic resource, a  
18 resource can qualify as having a scenic quality  
19 by just having a spectacular land form, can't  
20 it?

21 A (DeWan) I would not be able to answer that  
22 question without looking at a specific example.

23 Q Can we pull up the Rule 102.44? Right at the  
24 very top.

1 Am I correct that the New Hampshire  
2 definition of scenic quality does not require a  
3 score on both a land form and a water feature  
4 and vegetation? It's phrased in terms of "or"?

5 A (DeWan) That is your interpretation. When we  
6 look at the landscape, you can't break it out --  
7 well, you can break it out into specific  
8 components, but you always look for the presence  
9 of land form, water features, vegetation, and  
10 human additions or alterations.

11 Q By requiring a ranking on multiple aspects of a  
12 resource, you necessarily reduce the number of  
13 resources that will qualify as a scenic  
14 resource, don't you?

15 A I don't believe that's correct.

16 Q Well, if a resource has a spectacular land form  
17 under your ranking, that resource can never  
18 garner a high or medium score because it also  
19 has to score high in multiple other areas,  
20 correct?

21 A (DeWan) I don't believe that's correct.

22 Q Let's assume hypothetically a resource for the  
23 highest ranking for land form 5, plus the  
24 highest ranking for view, another 5, and nothing

1 else. That ends up with a ranking of 13 which  
2 is just above a low ranking on your Methodology  
3 Chart, correct?

4 A (DeWan) I think what you're describing is a big  
5 pile of dirt. But it's not necessarily a scenic  
6 resource. It's impossible to look at a  
7 landscape without also considering the other  
8 factors. You know, this land form will have,  
9 will have vegetation, it will have all those  
10 other things that we're asked to look at under  
11 our methodology.

12 Q Okay. A pile of dirt which has the highest  
13 ranking for land form and the highest ranking  
14 for view does not score high?

15 A (DeWan) It's probably not a good example. I'll  
16 admit that.

17 Q But it doesn't score high on your methodology,  
18 does it?

19 A (DeWan) Well, again, if we look at a spectacular  
20 land form, to use your definition, it would get  
21 a 5. Then we would go down and look at all the  
22 other characteristics that are used to evaluate  
23 the entire landscape.

24 Q Understandable, sir, but not every spectacular

1 land form with a spectacular view also has  
2 water, does it?

3 A (DeWan) That's correct.

4 Q And may not have color or a view. And then it's  
5 going to rank as a low on your Methodology  
6 Chart.

7 A (DeWan) I do not believe that's correct. There  
8 will be some color, there will be a view. If it  
9 doesn't have a view, you wouldn't be able to see  
10 it.

11 Q Can we pull up the photo at Applicant Exhibit 1,  
12 Appendix 17, APP 14344?

13 Sir, would you agree that the land form  
14 depicted at the Moose Path in Clarksville, New  
15 Hampshire, is striking?

16 A (DeWan) That wouldn't be the word that I would  
17 use to describe it.

18 Q How would you rank it on a scale of 1 to 5?

19 A (DeWan) On a scale of 1 to 5, I don't have the  
20 exact number which we used in the past. It's  
21 probably a 3.

22 Q How would you rank the vegetation of this land  
23 form?

24 A (DeWan) Probably a 3 or 4.



1 Q And would you agree, sir, that there are no  
2 visible human alterations to the view?

3 A (DeWan) Would I agree there's no visible human  
4 alterations? No. There's a single family home.  
5 There's a mown field. There's a distribute line  
6 visible.

7 Q How would you rank that, sir?

8 A (DeWan) Under the way we evaluated, we deducted  
9 a certain number of points.

10 Q How many points would you deduct for those  
11 items?

12 A (DeWan) I don't have the chart in front of me.

13 Q Well, even without the deductions which you  
14 would add to this view, even if we count up the  
15 land form and the vegetation, we only get a  
16 scale of 7 which puts the visual quality of this  
17 particular scenic resource at low, correct?

18 A (DeWan) Keep in mind that we do not evaluate  
19 individual photographs. The evaluation was done  
20 after looking at the entirety of the landscape  
21 which is required by the SEC rules, and not just  
22 a single snapshot.

23 Q But if we were ranking this for scenic quality  
24 under the rule, it could be ranked simply on its

1 land form, but I guess it wouldn't matter  
2 because even in the land form you would only  
3 give it a 3; is that correct?

4 A (DeWan) Again, this is just a snapshot. This is  
5 really a -- at this particular location a  
6 180-degree viewing experience.

7 Q Can we pull Applicant Exhibit 1, Appendix 71,  
8 aPP14317? That's the wrong exhibit. Let's try  
9 this again.

10 Applicant Exhibit 1, Appendix 17, APP  
11 14362?

12 PRESIDING OFFICER HONIGBERG: Off the  
13 record.

14 (Discussion off the record)

15 BY MS. CONNOR:

16 Q Sir, do you recognize the photo that we've just  
17 pulled up? It is from your report.

18 A (DeWan) I do.

19 Q Am I correct it's a photo of Little Diamond Pond  
20 which was within Coleman Park?

21 A (DeWan) Coleman State Park.

22 Q Yes. And you visited Coleman State Park?

23 A (DeWan) We have.

24 Q Would you agree, sir, that this photo depicts an

1 expansive view over water with a forested  
2 ridgeline and no significant signs of  
3 development?

4 A (DeWan) No, I would not because in the middle of  
5 it you can see a boat put-in point and a parking  
6 lot. The forest ridgeline has been recently  
7 harvested.

8 Q Okay. Under your Visual Quality Evaluation  
9 Chart, how would you rank this resource for its  
10 water feature?

11 A (DeWan) We gave this a 3 out of 5.

12 Q What about its land form ranking?

13 A (DeWan) We gave that a 3.

14 Q Color?

15 A (DeWan) We gave it a 2.

16 Q Its view?

17 A (DeWan) Gave it a 3.

18 Q Its uniqueness?

19 A (DeWan) Gave it a 3.

20 Q And involvement of human development?

21 A (DeWan) You said involvement of human  
22 development? That's not a category.

23 Q Negative human development?

24 A (DeWan) Negative human development we gave it a

1           minus 1. I'm sorry. We gave it a zero.

2       Q       So it ranked as 14.

3       A       (DeWan) No. We gave it a 18.

4       Q       I thought you said --

5       A       Sorry. We were reading from the wrong line. 3,  
6           4, 3, 2, 3, 3, 0, 0, total of 14.

7       Q       Okay. I thought my math just came up with 14.  
8           But regardless, you, under either ranking, this  
9           does not rank high, does it? Whether it's a 14  
10          or a 18?

11      A       (DeWan) We gave it a medium ranking.

12                   MS. CONNOR: I'm going to turn to another  
13           photo. Do you want to take the break now?

14                   PRESIDING OFFICER HONIGBERG: This is a  
15           good time. Let's take a ten-minute break.

16                   MS. CONNOR: Thank you.

17                           (Recess taken 10:29 - 10:45 a.m.)

18                   PRESIDING OFFICER HONIGBERG: Ms. Connor,  
19           you may proceed.

20                   MS. CONNOR: Thank you.

21   BY MS. CONNOR:

22       Q       I want to turn now to Dummer Pond which is a  
23           short drive from the Coleman State Park we were  
24           just talking about. You visited those ponds,

1 correct?

2 A We have.

3 Q And I want to pull up your photos which I  
4 hope -- all right. Bates stamp APP 1400.

5 MS. DORE: Exhibit 117?

6 MS. CONNOR: Yes.

7 MS. MERRIGAN: No, actually it's  
8 Applicant's Exhibit 1. Appendix 17.

9 BY MS. CONNOR:

10 Q Am I correct that this shows Big Dummer Pond?

11 A (DeWan) That's a portion of the Big Dummer Pond.

12 Q Correct. And can I bring up 14402? Is that  
13 another portion of Big Dummer Pond?

14 A (DeWan) Looks like the same photograph.

15 Q Okay. Well, it was given two different Bates  
16 stamp in materials.

17 A (DeWan) Would you go back to the earlier one,  
18 please?

19 Q Sure. I think it's just a closer-up view  
20 because we still see the island.

21 A (DeWan) This is a panoramic view which is  
22 composed of a couple of photographs stitched  
23 together. The other one is what's considered a  
24 normal view.

1 Q And these show the existing conditions that  
2 exist today.

3 A (DeWan) Existing conditions from that particular  
4 vantage point.

5 Q Okay. And according to your reports, we know  
6 that you can rent a boat from the local Fish &  
7 Game Association if you go out to Big Dummer  
8 Pond?

9 A (DeWan) I believe there's some mechanism by  
10 which you get access to a lock that unlocks one  
11 of the boats that you can see in the lower  
12 right-hand portion of the photograph.

13 Q That's right. Okay. Under the SEC definition  
14 of scenic quality, wouldn't Big Dummer Pond rank  
15 high for either its water feature or its  
16 vegetation or its land form?

17 A (DeWan) I don't believe that's how, certainly  
18 it's not the way that we interpret the way that  
19 you evaluate scenic quality.

20 Q Let's start with a hypothetical. If the SEC  
21 definition allows you to rank scenic resources  
22 for just water features, wouldn't this qualify  
23 for a high ranking?

24 A (Bradstreet) we don't believe that it requires,

1 that requires you to rank for just one feature.

2 Q I understand that. Sir. I asked you to assume  
3 a hypothetical.

4 A (DeWan) I would rather not assume a hypothetical  
5 because we're dealing with a very real situation  
6 here.

7 PRESIDING OFFICER HONIGBERG: Play the  
8 game.

9 A (DeWan) Okay. I'll go along. Could you repeat  
10 the question then, please?

11 Q Sure. If we assume hypothetically that we were  
12 going to apply a ranking, just for the water  
13 feature, wouldn't Big Dummer Pond rank high?

14 A (DeWan) No, it would not.

15 Q What would it rank?

16 A (DeWan) Probably medium.

17 Q And why is that?

18 A If you're just asking us to rank the water per  
19 se, we're looking at the body of water and what  
20 may be within the water body; namely, an island.  
21 So the island itself while it's not part of the  
22 water body, it's a feature within it.

23 Q If we were to hypothetically rank Big Dummer  
24 Pond just for its land form, wouldn't it rank

1 high?

2 A (DeWan) Again, when we do evaluations like this,  
3 we don't base it upon a single snapshot. We  
4 look at the entirety of what you would see when  
5 you're experiencing the land forms surrounding  
6 the resource. In this case, there are low  
7 hills, medium-size hills and the foreground.  
8 There are some larger hills in the background  
9 plus the land form of the island.

10 Q So how would you range Big Dummer Pond in terms  
11 of its land form?

12 A (DeWan) Again, hypothetically, using your rules  
13 here, probably be medium to medium-high.

14 Q In your report, you rank Big Dummer Pond with a  
15 score of medium. Is that correct?

16 A (DeWan) That is correct.

17 Q And yet in your methodology, you state, can we  
18 pull up APP14317? Can you pull up the caption  
19 under big Dummer because I can't read it.

20 You state, "Big Dummer Pond is an example  
21 of a landscape that is noteworthy for its  
22 rolling hills, water feature, variety of  
23 vegetation, and color and discordant  
24 modifications that are not highly visible; e.g.,



1 generator lead line, the top of a substation and  
2 wind turbines." Did I read that correctly?

3 A (DeWan) You did.

4 MS. DORE: And you read it from?

5 MS. MERRIGAN: Applicant's Exhibit 1,  
6 Appendix 17, Bates stamp number APP 14317.

7 Q So despite your recognition that Big Dummer Pond  
8 is noteworthy for land form, water, vegetation,  
9 color, and even though the human modifications  
10 are not highly visible, you were comfortable  
11 ranking this resource on the low side of medium?

12 A (DeWan) Remember, this is an example used in our  
13 methodology to explain or to give examples for  
14 our visual quality rating system. This is a way  
15 of establishing, shall we say, bookends to show  
16 the continuum of landscapes that we found that  
17 we encountered throughout the entire study area  
18 ranging from low visual quality to high visual  
19 quality.

20 Q Can we go back to the Methodology Flow Chart?  
21 Can we pull it up and blow it up again?

22 Sir, am I correct that under Step 3, Scenic  
23 Significance Rating, scenic resource has to have  
24 at least a medium cultural value to go on for a

1 Visual Impact Analysis?

2 A (DeWan) That's generally correct.

3 Q There were a small handful of Low Cultural  
4 Values that made it only if the visual quality  
5 was high.

6 A (DeWan) For the most part, that's correct.

7 Q What does a scenic resource have to garner on  
8 your visual quality ranking to move on?

9 A (DeWan) For the most part, it had to have at  
10 least a medium level of visual quality to move  
11 on.

12 Q And as noted on the Methodology Chart, as a  
13 result of low visual quality ratings, you  
14 reduced the number of scenic resources from over  
15 200 down to 70.

16 A (DeWan) Again, this is the initial Visual Impact  
17 Assessment that we did.

18 Q Right. And then there were a handful when you  
19 went back out to the five to 10 miles?

20 A (DeWan) That is correct.

21 Q And the Scenic Significance Rating was not based  
22 on the factors in the SEC rules in terms of low,  
23 medium and high ranking.

24 A (DeWan) Which rules are you referring to?

1 Q The six factors that were identified in the  
2 evaluation form which T.J. Boyle used.

3 A (Kimball) I'm sorry. Can you direct me to the  
4 area so I can pull it up?

5 MS. CONNOR: Sure. Can we pull up that  
6 exhibit? 301.5(5)(6).

7 A (Kimball) Sorry. So What was your question  
8 about 301.5(b)(6)?

9 Q As we go from 200 sites with the possible  
10 visibility down to those that you're actually  
11 going to do an individual Visual Impact Analysis  
12 on, where some 130 drop out, that was not based  
13 on the factors in 301 (b)(6)?

14 A (Kimball) Well, 301 (b)(6) is the factors are  
15 related to the impact, not the significance.

16 Q So you reduced the number of scenic resources  
17 before you even got to that ranking, correct?

18 A (Kimball) Correct.

19 Q And we've already established that the rules  
20 don't address this elimination based on scenic  
21 significance so I will move on.

22 A (DeWan) I don't believe that's an accurate  
23 characterization.

24 Q Well, you did tell me, sir, did you not, that

1 the rules don't include a cultural value filter.

2 A (DeWan) Well, the rules as we understand them  
3 asked for a determination of those landscapes of  
4 high scenic quality or high value sensitivity.

5 Q Sir, what you told me is you went to the end  
6 game because that's what ultimately this Panel  
7 has to decide.

8 A (DeWan) That is correct.

9 Q Okay. Whereas the VIA is to produce information  
10 for the Panel from which they can make that  
11 determination; is that correct?

12 A (DeWan) That is one of the functions of the VIA.

13 Q Okay. The fourth step in your methodology is  
14 called Visual Impact Analysis. This is directed  
15 at the visual effect the Project is going to  
16 have on the viewer, correct?

17 A (DeWan) No. It's not totally correct. It's the  
18 effect it's going to have on the view and the  
19 viewer.

20 Q Well, it is partially directed at the impact  
21 it's going to have on the viewer, correct?

22 A (DeWan) It's a combination of factors there.

23 Q Does it not, in fact, say, viewer effect?

24 A (DeWan) You're reading from our chart, yes.

1 Q I am. Okay. And although this analysis step 4  
2 is directed toward the viewer, you did not  
3 involve the New Hampshire public in this step,  
4 did you?

5 A (DeWan) I don't think that's a fair  
6 characterization.

7 Q You did not conduct any individual studies to  
8 involve the New Hampshire public as part of your  
9 VIA, did you?

10 A (DeWan) As part of our involvement of the  
11 public, we went to probably a dozen different  
12 public hearings, we read hundreds of comment  
13 letters, we reviewed the material that was  
14 provided in the Final Environmental Impact  
15 Statement. So I think we have a very good sense  
16 of what the public in general has to say about  
17 potential impact of the Project.

18 Q Can we pull up Applicant Exhibit 92, page APP  
19 53736? Very good. Can we zoom in?

20 Sir, do you recognize this as part of your  
21 Supplemental Prefiled Testimony in this case?

22 A (DeWan) From page 20. I do recognize it.

23 Q Okay. In your Prefiled Testimony, you state  
24 that your VIA relies upon, quote, "the use of

1 experienced professionals to make professional  
2 judgment regarding public sensitivities based  
3 upon research and their experience in similar  
4 situations," correct?

5 A (DeWan) Excuse me. Could you highlight where  
6 you're reading from?

7 Q Sure. Line 20 down. Perfect.

8 A (DeWan) I see it now.

9 Q You go on to represent that this has been your  
10 standard practice for the majority of your  
11 Visual Impact Assessments over three decades; is  
12 that correct?

13 A (DeWan) That is correct.

14 Q And yet am I correct when you assessed the  
15 visual impact of the Black Nubble Wind Farm  
16 Project, you specifically sought out public  
17 input, didn't you?

18 A (DeWan) Black Nubble was -- I don't believe that  
19 when that Project was done that we were involved  
20 in the public input process. That was done  
21 prior to our involvement in that particular  
22 project. Black Nubble in Redington Project.

23 Q Can we pull up Counsel for the Public Exhibit  
24 449?

1           This is your Visual Impact Assessment for  
2           Black Nubble Wind Project, correct?

3           A     (DeWan) It appears to be.

4           Q     Can we turn to page CFP 012588? First  
5           paragraph. Can we blow that up so it's legible?

6                     You wrote in your VIA that the methodology  
7           for assessing the visual impacts of the wind  
8           farm employs both a professional and a public  
9           approach. You go on to note that the  
10          professional approach involved the judgment of  
11          experienced landscape architects. The public  
12          approach involved professionally developed  
13          intercept surveys of hikers, 1994, 2003 and  
14          2004, and local hunters, snowmobiles, scenic  
15          resources and residents, 1994, as well as a 2006  
16          statewide survey to gain, towards an  
17          understanding of their attitudes towards wind  
18          energy in Maine and the site for wind farm. Did  
19          I read that correctly?

20          A     (DeWan) You read it correctly.

21          Q     So for Black Nubble you relied upon five surveys  
22          targeting groups of potential users of the  
23          affected land, correct?

24          A     (DeWan) As I said earlier, those were studies

1 that were done prior to our involvement in the  
2 Project. So to the extent that that is  
3 information, it was incorporated into the  
4 findings that we presented to the, I believe  
5 it's the Development of Environmental Protection  
6 or the Land Use Regulation Commission.

7 Q Right. Your methodology for that VIA included  
8 both a professional and a public approach. But  
9 in this case, you didn't conduct a single  
10 survey, did you?

11 A (DeWan) We did not conduct any intercept surveys  
12 for this Project.

13 Q Can we pull up Counsel for the Public Exhibit  
14 448?

15 In addition to the Black Nubble Project,  
16 you were also hired to conduct a VIA for the  
17 Blue Hill Wind Project, correct?

18 A (DeWan) That's not reading it correctly. It's  
19 the Bull Hill Wind Project.

20 Q I'm sorry.

21 A (DeWan) Blue hill is another part of Maine.

22 Q Am I correct that you were hired to conduct a  
23 VIA for the Bull Hill Wind Project?

24 A (DeWan) That is correct.



1 Q Can we go to CFP 012532-33? Very last sentence  
2 is going to, of course, go into two pages. We  
3 have the very last sentence and then we'll go on  
4 to the next page.

5 In connection with Bull Hill, in reaching  
6 the conclusions in your VIA related to the  
7 nature and extent of the use and viewer  
8 expectations, you relied on an intercept study  
9 as well, correct?

10 A (DeWan) That is one of the data sources that we  
11 used in developing our VIA.

12 Q And then if we move on to Counsel for the Public  
13 Exhibit 446, in your VIA for the Hancock Wind  
14 Project in Maine you again relied upon an  
15 intercept study, did you not?

16 A (DeWan) That is correct.

17 Q And you also relied upon intercept studies for  
18 the Redington Wind Project, the Highland Wind  
19 Project, Spruce Mountain Wind Project, Saddle  
20 Ridge Wind Project, Oakland, Weaver, and the one  
21 we talked about earlier that I cannot pronounce.

22 A Passadumkeag.

23 Q Yes. So is it fair to say, sir, that you've  
24 relied upon public input through intercept

1 studies in the large number of your past VIAs?

2 A (DeWan) No, it's not correct. We've probably  
3 done 80 Visual Impact Assessments since we  
4 started doing these, and you just read off, I  
5 think, the majority of the ones that we've done,  
6 and those have all been done for wind power  
7 projects.

8 Q You understand that Counsel for the Public's  
9 expert is critical of your decision not to seek  
10 public input on this Project?

11 MR. NEEDLEMAN: Objection. They testified  
12 they did seek public input. We're talking about  
13 intercept surveys.

14 PRESIDING OFFICER HONIGBERG: Ms. Connor?

15 MS. CONNOR: I'll rephrase it.

16 BY MS. CONNOR:

17 Q Sir, you understand, do you not, that T.J. Boyle  
18 has been critical in their report about your  
19 failure to use intercept studies?

20 A (DeWan) I understand they have a difference of  
21 opinion about the way we conducted the work that  
22 we did.

23 Q Okay. In response to that, you addressed that  
24 criticism in your Supplemental Prefiled

1 Testimony, right?

2 A (DeWan) That's correct.

3 Q And you cited a couple of sections of a document  
4 authorized in 2013 by Dr. Palmer called  
5 Transportation Evaluation of Methodologies for  
6 Visual Impact Assessments, right?

7 A He was one of the co-authors of that study, I  
8 believe.

9 Q Yes. Am I correct that you represented to this  
10 Panel that that manual states that VIA  
11 procedures rely primarily on professional  
12 judgment, applying a system of expert determined  
13 criteria?

14 A (DeWan) That is a quote. I believe you're  
15 reading from our Supplemental VIA which is taken  
16 from that study that Dr. Palmer co-authored.

17 Q That is, in fact, what you said in your  
18 Supplemental Prefiled Testimony, correct?

19 A (DeWan) That's correct.

20 Q I want to pull up that report, CFP 456, at Bates  
21 stamp CFP 013044. Can you zoom in?

22 In this manual which you referred to as  
23 support for your decision not to do an intercept  
24 study, Dr. Palmer and his coauthors note that

1 the failure to involve the public in the VIA  
2 process has been, quote, "has been a repeated  
3 critique of existing VIA methods for nearly 30  
4 years." Did I read that correctly? Very first  
5 sentence.

6 A (DeWan) You seemed to have read it correctly.

7 Q And in this report, you understood that  
8 Dr. Palmer and his colleagues identify four  
9 foundational concepts as fundamental ideas for  
10 scientifically rigorous VIAs, and we are going  
11 to go to foundational concept number 2 which is  
12 located on page CFP 013152.

13 Foundational concept number 2 states,  
14 quote, "It is important that the public be  
15 directly involved in defining existing visual  
16 quality and visual quality management goals and  
17 in determining visual impacts." Did I read that  
18 correctly?

19 A (DeWan) That is correct.

20 Q Dr. Palmer goes on in his treatise to note that  
21 regardless of professional background, each type  
22 of evaluator has brought a distinct professional  
23 bias to the evaluation of visual quality in  
24 determination of visual impacts. As documented

1 in chapter 2, research suggests that  
2 professionals do not adequately represent the  
3 visual interests of the public. The differences  
4 between what professionals value and what the  
5 public values is profound. Therefore, having  
6 only professional input into the VIA process  
7 yields unsatisfactory results. It is essential  
8 that the public be involved in identifying the  
9 character of the existing landscape,  
10 particularly what is visually valuable and in  
11 determining visual impacts in the appropriate  
12 level of mitigation." Did I read that section  
13 accurately?

14 A (DeWan) I wasn't quite following you, but it  
15 sounds like you got the gist of it.

16 Q Fair to say that this manual does not, as you  
17 suggested in your Prefiled Testimony, support  
18 your decision to avoid public intercept studies  
19 as part of this VIA, does it?

20 A Well, this manual as you're referring to is a  
21 manual designed for highway officials and  
22 doesn't specifically deal with the type of  
23 situation that we're dealing with right here.

24 Q I understand that, sir, but you relied upon this

1 particular manual to rebut the notion that T.J.  
2 Boyle was critical of your failure to do  
3 intercept studies, and what I'm trying to  
4 suggest is if you read this manual as a whole,  
5 it actually supports the use of intercept  
6 studies and involving the public, does it not?

7 A I don't know if it talks about intercept studies  
8 per se, but it certainly talks about directly  
9 involving the public in defining existing visual  
10 quality, et cetera. And as you know, I was  
11 involved in a Panel that helped draft some of  
12 the rules which included a large component of  
13 people from the public. The public also  
14 participated very extensively throughout the  
15 process; public hearings, letter writing and so  
16 forth.

17 Q I understand that the public has been very  
18 involved in this process. But in terms of your  
19 specific VIA, one-on-one, you did not conduct a  
20 single intercept study, did you?

21 A We did not conduct a single intercept study, and  
22 we explained that in our Supplemental Report.  
23 We can certainly elaborate on that.

24 Q Can we pull up Exhibit Counsel for the Public

1 447? Page CFP 012524? That's not the page,  
2 Sandie. First I want the cover page. There we  
3 go.

4 Sir, am I correct that you participated on  
5 a Panel with Dr. Palmer for Visual Impact  
6 Assessments for Maine Wind Energy Projects?

7 A (DeWan) I've been part of Panels with Dr. Palmer  
8 on several occasions. I don't know which one  
9 you're referring to.

10 Q Well, I'm referring to Counsel for the Public  
11 Exhibit 447.

12 MS. DORE: Bates number?

13 MS. CONNOR: CFP 012523.

14 Q If we can go to the next page, CFP 012526.  
15 There we go.

16 When addressing how to evaluate viewer  
17 experience, you devoted a whole section on user  
18 surveys and intercept studies, didn't you?  
19 Section 3?

20 A (DeWan) That's correct. I'm not sure exactly  
21 which presentation this was. It may have been  
22 the American Society of Landscape Architects  
23 Annual Meeting. And we wanted to explain to  
24 people how we went about doing an evaluation of

1 this particular type of energy project.

2 Q And so you would agree, would you not, that an  
3 important part of a VIA is public input?

4 A (DeWan) That is one part of a VIA but certainly  
5 there are many other ways to gain an  
6 understanding of how the public reacts to a  
7 particular development proposal.

8 Q And in this case, again, you relied solely on  
9 these proceedings and what you read to gauge  
10 public involvement as opposed to the techniques  
11 addressed when you were giving a Panel  
12 discussion on this?

13 A (DeWan) Well, as I said earlier, you know, we  
14 relied upon a lot of data sources, our  
15 experience, and our work in transmission line  
16 projects over the last probably 30 years. It's  
17 also interesting to note that from our  
18 perspective, and I think that Dr. Palmer may  
19 agree, that there's never been an intercept  
20 survey done for a transmission line Project.

21 Q Sir, it would have been very easy, would it not,  
22 when you were out at Coleman Park to conduct a  
23 survey of the folks that were there about the  
24 importance of or lack thereof of the scenery on



1 their use of that facility?

2 A (DeWan) Well, I don't know if you've ever been  
3 involved in intercept surveys or not, but there  
4 are very rigorous guidelines that you use to do  
5 an intercept survey. As you saw from the  
6 earlier exhibit, we don't do them ourselves. We  
7 rely upon a professional survey firm to make  
8 sure there are certain standards and certain  
9 objective questions that are asked. We rely on  
10 trained surveyors to conduct the survey. We  
11 look at, you know, a lot of different factors in  
12 making a decision about how to go about doing a  
13 survey at a particular resource.

14 Q It certainly could have been done in this case  
15 at any one of the numerous scenic resources,  
16 couldn't it?

17 A (DeWan) In theory, you could have done an  
18 intercept survey to ask people, but you talk  
19 about Coleman State Park, for example. Well,  
20 that particular photograph that we showed was  
21 taken from a location where I suspect very few  
22 people actually walk to. That was actually a  
23 little pathway going down to the far side of the  
24 lake. And we know from experience that the

1 majority of the people that use Coleman State  
2 Park are either there to go camping or to go  
3 snowmobiling or ATV riding, and the use of the  
4 lake didn't appear to us to be a major focus of  
5 activity within Coleman State Park.

6 So if we were to do an intercept survey we  
7 would have to ask the question what is the  
8 effect on the resource and the people that are  
9 there. And so you'd have to ask a question  
10 about why are you there, what season of the year  
11 do you go there, how many times do you visit it.  
12 You then show them a photo simulation and ask a  
13 question, would that affect your continuing use  
14 and enjoyment. There's a whole series of  
15 questions that one goes through to ask these  
16 sort of, to do these sort of surveys.

17 Q And, sir, if you had done that process that you  
18 just described very well, you would have  
19 information to present to this Panel as to how  
20 the public is going to view the potential change  
21 in the landscape as opposed to your  
22 interpretation of how the public is going to  
23 react, correct?

24 A (DeWan) We, you know, we never like to project

1           what the results are before we actually see  
2           them. That would have been a data point that we  
3           would have used if we had done that.

4       Q     And here we don't have any of that data.

5       A     (DeWan) I don't think so. I don't think that's  
6           a correct characterization. You know, we know  
7           that when people are out using that particular  
8           State Park, they're primarily there, from our  
9           understanding, there to go snowmobiling or ATV  
10          riding or swimming. There are certain number of  
11          people that go fishing. Certain number of  
12          people that go camping. Most of the people that  
13          use the park will probably not come into contact  
14          with the view as represented by the photo  
15          simulation.

16       Q     From your past work with intercept studies on  
17           wind projects, you're aware that the public  
18           dislikes views impeded by transmission lines  
19           even more than they might dislike wind projects,  
20           correct?

21       A     (DeWan) I know that was one question that was  
22           asked. One of the things that we have done in  
23           developing these wind intercept surveys is rely  
24           upon the peer review process to make sure that

1 these are very objectively worded questions. In  
2 the case of working with the Maine DEP, there  
3 has been a peer review available, usually it's  
4 Dr. Palmer, who enables us to go through the  
5 question, goes through the questions and makes  
6 sure that we're asking the correct questions,  
7 that there's no internal bias.

8 We did not have that here. You know,  
9 there's no, Counsel for the Public is not  
10 available at this point. There's no agency  
11 involved in the part of the state to provide  
12 that level of objective review before we go out  
13 and do an intercept survey.

14 Q Can we pull up Counsel for the Public Exhibit  
15 445 which I'll represent is a section from the  
16 Highland Wind Project Survey from hikers of  
17 March of 2011. Can we look at the chart on page  
18 CFP 012401?

19 Sir, can you tell me the percentage of  
20 respondents who thought energy facilities such  
21 as wind farms had a negative effect on their  
22 enjoyment?

23 A (DeWan) 14 percent.

24 Q Correct. What is the percentage of respondents

1           who thought that electrical transmission lines  
2           would have a negative effect on their enjoyment?

3           A     (DeWan) 40 percent.

4           Q     So you were aware from your prior work that  
5           transmission lines are viewed more negatively by  
6           the public than wind turbines?

7           A     (DeWan) I think that's a very general statement.  
8           Again, when we do intercept surveys, we're  
9           asking them very specific questions about  
10          specific effects on specific resources. This is  
11          a survey that was done to help establish the  
12          relative position of wind farms in a whole range  
13          of different types of developments that may be  
14          encountered while somebody may be hiking in the  
15          western mountains of Maine. There was no photo  
16          simulations that were provided. There's nothing  
17          other than a statement regarding electrical  
18          transmission lines.

19          Q     Can we pull up Counsel for the Public Exhibit  
20          446? This is your report in the Hancock Wind  
21          Project, Tunk Mountain Intercepts. I want to  
22          look at the chart that's on 16. It's actually  
23          Bates stamped CFP 012484. Can you tell me the  
24          percentage of respondents who thought views of

1 wind power projects had a negative effect on  
2 their hiking experience?

3 A (DeWan) Ten percent said very negative, 13  
4 percent gave it a number 2.

5 Q Can we now turn to page CFP 012486?

6 Can you tell me what percentage of  
7 respondents thought views of power lines would  
8 have a negative effect on their hiking  
9 experience?

10 A (DeWan) 20 percent gave it a very negative. 20  
11 percent gave it a number 2. Again, this is done  
12 without benefit of a photo stimulation.

13 Q I understand, sir, but would you agree that this  
14 intercept study as well demonstrates that the  
15 individuals contacted here viewed transmission  
16 lines as having a more negative impact on their  
17 hiking experience than wind projects?

18 A (DeWan) I think that's a fair characterization.

19 Q Mr. DeWan, am I correct that during the  
20 Technical Session you stated that you had  
21 recommended a public survey and/or outreach  
22 survey, but it was rejected because of potential  
23 public bias?

24 A (DeWan) I don't think that we recommended it.

1 We brought it up as part of the discussion of  
2 the way we were going to be approaching our  
3 work.

4 Q Was it rejected by the Applicant because of  
5 potential public bias?

6 A (DeWan) I think that it was not accepted or not  
7 continued as part of an exploration of this  
8 approach for a number of reasons. Logistics of  
9 doing a Project that's 192 miles long with many,  
10 many different types of situations was very  
11 large. The fact that the public had been aware  
12 of the Project for many years prior to our  
13 involvement opened up the question, you know, is  
14 there going to be a bias on the part of people  
15 who may have already made up their minds about  
16 the Project.

17 One of the things that we've never  
18 encountered in -- well, let me restate that.  
19 When we do wind power projects, very often it's  
20 the first time that the hiking or the boating or  
21 the fishing public has a chance to be exposed to  
22 that particular project. So there is a fairly  
23 fresh approach.

24 Q Sir, I'm not sure that you answered my question

1 so I'm going to try to rephrase it again.

2 Did the Applicant reject the recommendation  
3 of an intercept survey?

4 A (DeWan) It was, the Applicant decided not to do  
5 one based upon a lot of different reasons. I  
6 think another reason, of course, is that it is  
7 not required to do an intercept survey by the  
8 SEC rules. If that had been a specific  
9 requirement and certainly I would have thought  
10 would have been discussed in the rules, as it is  
11 now discussed in Maine at least on the part of  
12 Environmental Protection rules for wind power  
13 projects.

14 Q Isn't public concern against a Project one of  
15 the reasons why a survey might be important to  
16 assess the basis for that concern?

17 A (DeWan) Well, certainly the public concern that  
18 we've heard, as we've mentioned, in a variety of  
19 different forms has heightened our awareness of  
20 the public concern and particular points where  
21 we felt it was necessary to focus our attention.

22 Q You also mentioned the size of this Project as  
23 potentially being an impediment to using an  
24 intercept survey. Does that mean that it's more



1 important to understand or hear from the public  
2 on a project that's going to have a smaller  
3 impact?

4 A (DeWan) No. I think that every Project needs to  
5 have some level of public involvement. Part of  
6 the discussion process.

7 Q Is it fair to say that this Project is bigger  
8 and will have an impact on more people than any  
9 project you have ever worked on?

10 A (DeWan) The Maine Power Reliability Program,  
11 over 400 miles of transmission lines, we did not  
12 do an intercept survey on that. That involved,  
13 I believe, 80 different communities.

14 Q Can we pull up the Methodology Flow Chart again?

15 This is Applicant Exhibit 1, Appendix 17,  
16 APP 14310.

17 Can we blow up the bottom half? Perfect.

18 When determining the visual impact of this  
19 Project upon the public from your view as  
20 opposed to the public's view, your methodology  
21 included three components; is that correct?

22 A (DeWan) According to the chart right here.  
23 Visual effect, extent, nature and duration,  
24 continued use of enjoyment. Those are the three

1           you're referring to?

2       Q     Yes. Does this step involve all of the factors  
3           required in Site Rule 301.05(b)(6)?

4       A     (DeWan) We believe that it does.

5       Q     Can we pull up the rule? Or actually our  
6           ranking would be easier.

7           The first 301.05(b)(6) factor, expectation  
8           of the typical viewer, where is that found in  
9           your Visual Impact Analysis?

10      A     (Kimball) If you go to page M 15 of our VIA we  
11           considered the expectations of a typical viewer  
12           in our determination of visual effect and  
13           continued use and enjoyment.

14      A     (DeWan) We also wrote the continued use and  
15           enjoyment for each of the resources that we  
16           evaluated.

17      Q     Effect on future use? Where is it found?

18      A     (Kimball) Again, on page M 15 it's considered in  
19           the overall visual impact rating phone. You can  
20           also see an example of any of the VIA,  
21           individual VIAs for a narrative on effect on  
22           continued use and enjoyment.

23      Q     Where do you rank factor B in your analysis?

24      A     (DeWan) Could you repeat that?

1 Q Sure.

2 A (DeWan) I didn't hear what you said.

3 Q The rules indicate that you are to rank the  
4 impact that the Project is going to have on each  
5 of these factors, and I'm asking where you do  
6 that.

7 A (DeWan) I don't believe that it asked for a  
8 ranking for specific factors.

9 Q The rule indicates that a characterization of  
10 the potential visual impacts on identified  
11 scenic resources as high, medium or low based  
12 upon the following factors.

13 So I'm asking you, sir, where you ranked on  
14 either a high, medium or low basis the future  
15 use of the scenic resource?

16 A (DeWan) Again, it does not say specifically  
17 provide a ranking of those factors. It asked us  
18 to, it says that a determination has to be based  
19 upon a consideration of the following factors.  
20 Not a ranking.

21 Q Sir, did you rank the effect this Project would  
22 have on the future use of the scenic resources  
23 that made it down to your Visual Impact  
24 Analysis?

1 A (DeWan) It was part of our evaluation for each  
2 one of the resources that we looked at.

3 Q And where within your methodology, which has  
4 three components, did you rank the effect on the  
5 future use?

6 A (DeWan) That's contained in the written  
7 narrative for each of the scenic resources that  
8 we looked at.

9 Q What about ranging the effect of the public's  
10 enjoyment of the scenic resource? Where is that  
11 ranked?

12 A (DeWan) We read that as future use and  
13 enjoyment. One phrase. It's not asked to break  
14 it down into future use and enjoyment. So when  
15 we evaluated future use and enjoyment, we  
16 determined what we felt would be the effect on  
17 the future use and enjoyment of that specific  
18 scenic resource.

19 Q Where do you rank the distance of the proposed  
20 facility?

21 A (DeWan) Again, we do not rank it, but we provide  
22 a number, a consideration of the following  
23 factors. So we provided the distance of the  
24 facility from each of the scenic resources.

1 That's usually provided in the photo simulation  
2 in the technical chart.

3 Q What about the horizontal breadth or arc of  
4 visual elements?

5 A (DeWan) In each one of the Visual Impact  
6 Assessments for the scenic resources we do a  
7 determination where it's applicable of the  
8 horizontal breadths of the visual arc. By that  
9 we mean the amount of the visual scene that  
10 would contain the proposed project.

11 Q In your Methodology Chart at Exhibit 1, Appendix  
12 17, APP 14323, you state in part that  
13 determining overall visual impact is an  
14 understanding of the people who use the  
15 resource, their expectations in visiting the  
16 site, their use patterns and the effect that the  
17 Northern Pass Transmission Project would have on  
18 their future use and enjoyment of the scenic  
19 resource, correct?

20 A (DeWan) That is a correct reading of the 8.4.

21 Q Based on this description, would you agree that  
22 a typical viewer needs to be someone who uses  
23 the scenic resource being evaluated?

24 A (DeWan) In general, yes. That's correct.

1 Q And, again, wouldn't an intercept study be a  
2 valid and reliable way to evaluate that factor?

3 A (DeWan) It may be one way of getting to that  
4 determination.

5 Q And yet as I understand your review in terms of  
6 public involvement, there is no systematic, you  
7 undertook no systematic investigation as to the  
8 expectations of users at any of the scenic  
9 resources along the Northern Pass corridor, did  
10 you?

11 A (DeWan) I don't believe that's correct. We  
12 relied upon our understanding of how important  
13 scenery is to an appreciation of a resource or  
14 the use of a resource for recreational or other  
15 purposes.

16 Q So you relied upon your professional judgment;  
17 is that correct?

18 A (DeWan) Professional judgment and studies that  
19 we've seen.

20 Q Can we pull up Counsel for the Public Exhibit  
21 444?

22 You recognize this report, do you not?

23 A (DeWan) Yes.

24 Q And my memory is in your Supplemental Prefiled

1 Testimony you disputed the applicability of the  
2 New Hampshire Lake Association study with regard  
3 to this Project, is that true?

4 A (DeWan) That is correct.

5 Q Can we turn to page CFP 012245?

6 Am I correct, sir, that 823 Applicants were  
7 asked to characterize the quality of the natural  
8 views and scenery at New Hampshire water bodies  
9 and 91 percent rated the scenery as good?

10 A (DeWan) You said Applicants?

11 Q I'm sorry. Those responding.

12 A (DeWan) I'll have to assume that you read the  
13 chart correctly.

14 Q See the "91 percent rated scenery as good"?

15 A (DeWan) Under Natural Views Scenery, Yes.

16 Q Your VIA includes a number of water bodies and  
17 yet you rate the importance of scenery at less  
18 than 50 percent, do you not?

19 A (DeWan) I don't understand the question.

20 Q Can you explain why scenic quality was rated so  
21 much higher in the lake study than based upon  
22 your professional judgment?

23 A (DeWan) I don't know. I did not conduct a lake  
24 study. We've only done an initial review of it.

1 And I don't know what sort of lakes were used to  
2 evaluate, as part of the evaluation to come up  
3 with this. I don't know if these were all done  
4 at lakes that are known for their scenic quality  
5 or they're done on simple ponds.

6 Q The Northern Pass VIA, yours, identifies over 50  
7 scenic resources that are state waters with  
8 potential visibility, correct?

9 A (DeWan) With state waters, is that what you  
10 said?

11 Q Yes.

12 A (DeWan) That may be a correct number. I  
13 couldn't verify it.

14 Q And you evaluated the visual quality for only 13  
15 of those, correct?

16 A (DeWan) I don't believe that's correct.

17 Q How many did you evaluate the visual quality  
18 for?

19 A (DeWan) I would have to go back and count.

20 Q Am I correct that you only ranked five of those  
21 with high visual quality?

22 A (DeWan) Again, I would have to go back and  
23 check.

24 Q And user expectation, you only ranked 1 at high,



1 correct?

2 A (DeWan) I would have to go back and check.

3 Q If we assume hypothetically that my numbers from  
4 your report are accurate, how do you explain the  
5 distinction between what you rank in terms of  
6 the importance of scenery as opposed to the New  
7 Hampshire residents that were asked in this  
8 Lakes Region study?

9 A (DeWan) My understanding is that this was done  
10 on very specific water bodies. I don't know, as  
11 I stated earlier, what the visual quality of  
12 those lakes were. They may have been done off  
13 from very highly spectacular water bodies in  
14 which case you would expect to see a rating in  
15 that percentage range.

16 Q I think when I first started this line of  
17 question and I asked you the basis of your  
18 professional judgment, you talked in part about  
19 your understanding of other studies. Right?  
20 And yet here we have a New Hampshire study and  
21 you've discounted it.

22 A (DeWan) What we discounted was the conclusion  
23 that was arrived at, and I forget the exact  
24 words. I think the question was asked of people

1 who participated in this study whether or not a  
2 change in visual quality would affect their use  
3 patterns. And that, I think, was one of the  
4 purposes of the study. What we disputed,  
5 though, what we took exception with is that it  
6 was a hypothetical example. There was nothing  
7 specific that was offered to the people that  
8 were involved in the study unlike the intercept  
9 surveys that we've been involved with where we  
10 showed people existing conditions photographs,  
11 we showed them photographs with the Project in  
12 place as a photo simulation and had them rank or  
13 rate the change in visual quality.

14 This relied upon an abstract question that  
15 was presented to the people that participated.  
16 There is nothing that they could react to and  
17 say because of this X, Y, Z component that's  
18 being added to the visual scene that they were  
19 experiencing, it's going to have an effect on my  
20 continued use and enjoyment of the facility.  
21 It's purely an abstract concept.

22 Q Site Rule 301.5(b)(6)(b) asks you as part of  
23 your VIA to rank the effect this Project will  
24 have on future use and enjoyment of the scenic

1 resource. Although your form does not include a  
2 ranking for this factor, it does include a  
3 ranking for continued use and enjoyment. Was  
4 that meant to be a substitute for the (b)(6) 5  
5 factor?

6 A (DeWan) That was the way that we addressed that  
7 particular component of the rules.

8 Q And am I correct there's no description about  
9 how you are to differentiate between high,  
10 medium and low for this factor? It's your  
11 professional judgment.

12 A (DeWan) Largely based upon our professional  
13 judgment and experience from other  
14 professionals.

15 Q Sir, you didn't find a single scenic resource at  
16 which the public's future use and enjoyment  
17 would be impacted by this Project on either a  
18 medium or high impact, did you?

19 A (DeWan) I believe we gave the majority of them a  
20 low evaluation for continuing use and enjoyment.

21 Q What is the basis of your professional judgment  
22 that this Project will have no impact on the  
23 public's future use of any scenic resource  
24 that's visible to the Project?

1 A (DeWan) That's not what we said. We said we'd  
2 have a low value on continued use and enjoyment.  
3 That's much different than saying it will have  
4 no effect. We recognize that some people may go  
5 out there and may not like the fact that they  
6 may see the tops of a structure at a distance of  
7 X number of miles. We don't feel, though, that  
8 based upon our work in other situations that's  
9 going to effect somebody's desire to go  
10 swimming, desire to go fishing and so forth.  
11 That's also based upon studies as we mentioned  
12 in our Prefiled Testimony at the Baskahegan Lake  
13 Project. It's also been found true at the  
14 Lempster Wind Farm Project here in New  
15 Hampshire.

16 Q Would the prior Maine wind intercept surveys  
17 that we just took a look at suggest that  
18 electric transmission lines would have an impact  
19 on those users' future enjoyment of the scenic  
20 resource, correct?

21 A It may have an effect on their enjoyment, but I  
22 don't think that -- I don't know if it asked the  
23 question of whether or not the view of a  
24 transmission line would affect their continued

1 use of the resource.

2 Q Can we pull up Counsel for the Public Exhibit  
3 444, CFP 012287?

4 One of the questions in the New Hampshire  
5 Lake Association study asked if you knew that  
6 the quality of natural beauty and scenery would  
7 become poorer in the next year, would you change  
8 your number of planned visits to the site. How  
9 many indicated that they would reduce the number  
10 of their planned visits?

11 A (DeWan) I don't see that particular question  
12 being asked in this chart.

13 Q Destination of users who would decrease their  
14 visits. You can go back to the prior page and  
15 get the exact question. You've seen this report  
16 before?

17 A (DeWan) Yes, we have. You can see that 18  
18 percent said they would leave the region, 22  
19 percent said they would leave New Hampshire, 28  
20 percent say that they would stay in the region.  
21 That's using that, I believe the term is  
22 "deteriorate." That the natural views and  
23 scenery were to deteriorate.

24 Q Okay.

1 A (DeWan) Without giving any indication of what  
2 the word deteriorate means or showing any  
3 physical examples of what is meant by  
4 deterioration.

5 Q Can we turn to Bates stamp CFP 012289?  
6 According to this chart, what percentage of  
7 those surveyed indicated that a deteriorating  
8 view would result in decreasing, would result in  
9 a decrease of the number of their visiting days?

10 A (DeWan) I think the number you're looking for is  
11 56.

12 Q If New Hampshire were to experience a 50 percent  
13 reduction in visitation because of a reduction  
14 in the scenery after Northern Pass has been  
15 completed, would that reflect a high, medium or  
16 low effect on future use and enjoyment of the  
17 scenic resource?

18 A (DeWan) Well, again, that's a very hypothetical  
19 question.

20 Q I understand that, sir.

21 A (DeWan) Would you repeat that again? There's  
22 some nuances there.

23 Q Sure. If, which presumes it is a  
24 hypothetical --

1 A (DeWan) Yes.

2 Q -- New Hampshire were to experience a 56 percent  
3 reduction in visitation because of a reduction  
4 in the scenery postconstruction of Northern  
5 Pass, how would you rank that on the high,  
6 medium or low standard with regard to the Site  
7 Rule evaluation factor of future use and  
8 enjoyment of the scenic resource?

9 A (DeWan) You're certainly then getting into the  
10 area of Tourism and Economic Impact, and that's  
11 not our area of expertise. I would like to  
12 think that the location of a single transmission  
13 line is not going to have such a deleterious  
14 effect on the entire state of New Hampshire.

15 Q Sir, under my hypothetical, if there was a 56  
16 percent reduction, wouldn't you agree that would  
17 reflect a high effect?

18 A (DeWan) Again, keeping with the hypothetical, I  
19 would say numbers in that range, hypothetically,  
20 would indicate that something that would  
21 probably be a high effect.

22 Q But because you didn't do a survey and because  
23 you rejected the survey, we don't know what the  
24 public's reaction is going to be in terms of

1 future use and enjoyment of this resource. We  
2 have your judgment, sir.

3 A (DeWan) That was not just my judgment. Again,  
4 looking at the Baskahegan study, and I know that  
5 Dr. Palmer has written extensively about this,  
6 you know, that was a situation where we were  
7 involved in the Visual Impact Assessment of the  
8 wind power project, and there were several dozen  
9 wind turbines stretched out over a several mile  
10 length of a very large lake in Downeast Maine,  
11 and after it was constructed, the developer  
12 wanted to find out what effect did it have on  
13 continuing use and enjoyment of people using  
14 that lake.

15 And what they found out, we were not  
16 involved in the study, that was done by  
17 Kleinsmith & Associates, was that not only was  
18 there no effect, people also fully found that  
19 the use of that particular resource increased.  
20 And so if you can draw a comparison between a  
21 line of wind turbines seen at that distance to  
22 say, again, hypothetically, the views of a  
23 transmission line, are they comparable? I can't  
24 say. But they are changes that the recreating



1 public would have in their view as they swim,  
2 fish, go to the camps, and so forth.

3 Q Am I correct that if a scenic resource receives  
4 a low rating in terms of continued use and  
5 enjoyment which all of the scenic resources  
6 received under your methodology, that they can't  
7 end up with an overall high visual impact, and,  
8 therefore, never get a visual photo simulation?

9 A (DeWan) I don't believe that's true.

10 Q Can we pull up Appendix Applicant Exhibit 1,  
11 Appendix 17, APP 14322?

12 If a scenic resource, is it possible for a  
13 scenic resource to end up with an overall high  
14 visual impact when they receive a low rating on  
15 continued use and enjoyment?

16 A (DeWan) I believe it would end up as a  
17 medium-high as an overall.

18 Q So they cannot achieve a high visual impact if  
19 they receive a low rating on continued use and  
20 enjoyment which is how you rated each scenic  
21 resource, correct?

22 A (DeWan) I believe that's correct.

23 Q So once you concluded there would be only a low  
24 impact on the future use of the remaining scenic

1 resources, that scenic resource received no  
2 further analysis?

3 A (DeWan) No. That's not correct.

4 Q Can we pull up APP 14310?

5 In addition to evaluating viewer effect you  
6 evaluated the resources' visual effect. Step 4.  
7 Correct?

8 A (DeWan) That is correct.

9 Q And it's my understanding you did so based upon  
10 a rating form that included reference to  
11 landscape, compatibility, scale and spacial  
12 dominance.

13 A (DeWan) That's correct.

14 Q And that's set forth in your report.

15 A (DeWan) That is correct.

16 Q And according to the notes in your report, that  
17 form came from a form used on assessing impacts  
18 to existing scenic resources under the Natural  
19 Resource Protection Act in Maine. Is that  
20 correct?

21 A (DeWan) That's one of the sources. There's also  
22 a source that came from a book that Dr. Palmer  
23 coauthored several years ago.

24 Q Under the Maine form, the total visual impact

1 severity can range between 0 and 36, just like  
2 the form you adapted for this Project, correct?

3 A I believe those are the numbers.

4 Q Can we switch to an ELMO?

5 We're going to bring up Counsel for the  
6 Public Exhibit 456 which would be uploaded  
7 today. It hasn't made it to our computer  
8 because I'm ahead. I thought I wouldn't get to  
9 this until after lunch.

10 Sir, am I correct that Exhibit 465 shows  
11 the Maine form that you used to come up with  
12 your visual effect rating form for this Project?

13 A (DeWan) I believe that's the basis for it.

14 Q Under the Maine form there are four levels of  
15 impact severity, correct?

16 A (DeWan) That's correct.

17 Q And the range of values is the same for all  
18 four, correct?

19 A (DeWan) Approximately correct.

20 Q Let's go back to your visual effect rating which  
21 is APP 14322.

22 MS. MERRIGAN: Dawn, if I could switch back  
23 to my system, please?

24 Q There we go. You used different thresholds in

1 the visual effect rating form that you drafted  
2 for this Project than the Maine one, didn't you?

3 A (DeWan) That's correct because the SEC rules  
4 asked that you rate on a lower medium and high  
5 the overall visual effect.

6 Q As I understand it, if you were evaluating a  
7 visual impact in Maine, a rating between 18 and  
8 26 would be strong, but in New Hampshire it's  
9 your judgment that it only becomes a medium  
10 impact, is that correct?

11 A (DeWan) Again, the SEC rules ask that you define  
12 impacts as either low, medium or high. Did not  
13 ask for a comparison between other rating  
14 systems.

15 Q I know, but the SEC rules didn't require that  
16 you pull the Maine form, did they?

17 A (DeWan) That was our determination.

18 Q Correct. And if you were using this form in  
19 Maine, you would come up, using the same rating  
20 scale, with higher impact ratings for the same  
21 resource than what you are using in New  
22 Hampshire.

23 A (DeWan) I'm not sure I would agree. I would  
24 have to go back and check the numbers and the

1 way we evaluated it.

2 Q Am I correct, sir, that a rating under the Maine  
3 form between 18 and 26 is strong, but in New  
4 Hampshire it's medium?

5 A (DeWan) Using those numbers, I guess that's  
6 correct.

7 Q And in Maine, a visual impact between 9 and 16  
8 would be medium, but in New Hampshire it's  
9 considered low? Is that correct, sir?

10 A (DeWan) That's what it appears to be.

11 Q Who decided that weak and moderate visual  
12 impacts in Maine would all be considered low in  
13 New Hampshire, and Maine strong visual impacts  
14 are judged to be only medium in New Hampshire?

15 A (DeWan) We looked at the way that we evaluated  
16 the entire impact on a specific resource. The  
17 wording that you see on the screen right now  
18 that defines the threshold for high, medium or  
19 low was what we used to evaluate the numbers.  
20 We did some test cases. We came up with some  
21 numbers for individual sites, and, for example,  
22 low, we said that a low scenic overall total  
23 visual effect is project elements may be  
24 apparent but will not change the underlying

1 character of the surrounding landscape. The  
2 existing cultural natural landscape features  
3 remain dominant.

4 So in our way of looking at it, we felt  
5 that those are the threshold numbers that seemed  
6 to apply here after going through a number of  
7 test cases and looking at the visual effect that  
8 they would have on a particular resource.

9 Q Wouldn't you agree that the citizens of New  
10 Hampshire should expect that the rating of the  
11 visual impacts on their scenic resources should  
12 be no less than how you would rank them in Maine  
13 when you're using the same form?

14 A (DeWan) We don't think it's the exact same form,  
15 and we provided a lot more detail to allow us to  
16 arrive at the numerical values that we've used.

17 Q So, instead, when you adopted the form you  
18 adapted it so that fewer resources could qualify  
19 as having a high scenic impact rating?

20 A (DeWan) I believe the upper range is the same.

21 Q I want to turn to some photo simulations. I  
22 want to pull up APP 14347.

23 Do you recognize this from your report,  
24 Moose Path Connecticut River Scenic Byway in

1 Clarksville?

2 A (DeWan) Yes, I do.

3 Q Okay. Am I correct that you determined the  
4 average visual effect rating for this viewpoint  
5 is 23?

6 A (DeWan) Give us a moment, please.

7 Q Certainly.

8 A (DeWan) That is right. 23.

9 Q In Maine that would translate into a strong  
10 visual impact, but you've characterized it as  
11 medium in the New Hampshire VIA, correct?

12 A (DeWan) That's correct.

13 Q Let's turn to APP 14403.

14 PRESIDING OFFICER HONIGBERG: Off the  
15 record.

16 (Discussion off the record)

17 Q This, again, is a photo simulation that you did  
18 this time of Big Dummer Pond. Is that correct?

19 A (DeWan) This is the normal view, that's correct.

20 Q Well, actually it is the simulation, is it not?  
21 We can see the structures up over the ridgeline?

22 A (DeWan) That's correct. Yes.

23 Q I think it was just mislabeled.

24 A (DeWan) No, this is a photo simulation based

1 upon the normal view.

2 Q Correct.

3 A (DeWan) Yes.

4 Q And it is my understanding that you gave this  
5 visual effect rating a 26 which would be strong  
6 in Maine, just one point short of severe, and  
7 yet in New Hampshire this ends up being medium;  
8 does it not?

9 A (DeWan) 26 is the number we arrived at.

10 Q Correct. And that would be one point short of  
11 severe under the Maine ranking scale, correct?

12 A (DeWan) I believe so.

13 Q And under the modified scale you used for New  
14 Hampshire, it drops down to medium?

15 A (DeWan) One point below.

16 Q Lets pull up APP 14556. This is also from your  
17 report, is it not?

18 A (DeWan) That's correct.

19 Q This shows the existing conditions of the Pemi  
20 River crossing in New Hampton?

21 A (DeWan) From one particular vantage point along  
22 the Pemi River.

23 Q Okay. If we go to the next page in your report,  
24 APP 14557, that simulates the proposed visual



1 impact of this Project, does it not?

2 A (DeWan) That simulates the visual effect. I  
3 wouldn't call it the visual impact.

4 Q Okay. And, again, your visual effect rating for  
5 this simulation came out to be a 22, did it not?

6 A (DeWan) I'm sorry. Could you repeat that,  
7 please?

8 Q Absolutely. When you evaluated the visual  
9 effect of the simulated crossing, you came up  
10 with a score of 22, did you not?

11 A (DeWan) That's correct.

12 Q And that, again, would be a strong visual impact  
13 in Maine but medium under your ranking for New  
14 Hampshire?

15 A (DeWan) That's correct.

16 Q We could go on with others, but will you  
17 acknowledge that the ranking of the form that  
18 you used, if you had applied the Maine scale  
19 there would be many more scenic resources that  
20 would have resulted in a high ranking whereas  
21 you concluded none of them at the end had a high  
22 impact rating?

23 A (DeWan) No. I wouldn't agree to that.

24 Q Okay.

1 MS. CONNOR: I am going to move on to other  
2 photo simulations under a different topic so  
3 this actually might be a good time to take a  
4 break.

5 PRESIDING OFFICER HONIGBERG: We'll take  
6 our break and come back at 1:15.

7 (Lunch recess taken at 12:06  
8 p.m. and concludes the **Day 31**  
9 **Morning Session**. The hearing  
10 continues under separate cover  
11 in the transcript noted as **Day**  
12 **31 Afternoon Session ONLY**.)  
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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 12th day of September, 2017.

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Cynthia Foster, LCR