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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

September 11, 2017 - 1:19 p.m. DAY 31  
49 Donovan Street Afternoon Session ONLY  
Concord, New Hampshire

*{Electronically filed with SEC on 09-20-17}*

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

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

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

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

*(No Appearances Taken)*

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

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**I N D E X**

**PAGE NO.**

**WITNESS PANEL:           TERRENCE DeWAN**  
**(resumed)                 JESSICA KIMBALL**

Cross-examination resumed by Ms. Connor	4
Cross-examination by Mr. Plouffe	113

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

<b>EXHIBIT NO.</b>	<b>D E S C R I P T I O N</b>	<b>PAGE NO.</b>
1 2 3 4	CFP 466 NPT Resource Evaluation Charts (3 pages)	11
5 6 7	CFP 468 Pemigewasset NPT Resource Evaluation Chart (1 page)	21
8 9	CFP 469 Northern Pass Project Historic Resource Assessment - Individual Property Analysis Property ID: ASHL45 (12 pages)	24
10 11	CFP 470 DeWan photo - Bridgewater- Ashland Pemi Crossing	24
12 13	CFP 451 DeWan Maine Power Reliability Program, Ex. 6-2 Roadside Buffer Report	101
14 15	NGO 118 Manual H-8410-1 - Visual Resource Inventory (2 pages)	137
16 17	NGO 116 Landscape Aesthetics, A Handbook for Scenery Management by U.S. Forest Service (5 pages)	141
18 19	NGO 115 Scenic Assessment Handbook - State Planning Office Maine Coastal Program (2 pages)	142
20 21	NGO 117 Landscape Aesthetics, A Handbook for Scenery Management from U.S. Forest Service (2 pages)	170
22 23 24	NGO 123 Map showing Stewartstown, Dixville, and Colebrook, Summary of Agency Correspondence (Page 985), from Normandeau Associates	172

1                                 **P R O C E E D I N G**2                                 *(Hearing resumed at 1:19 p.m.)*

3                                 CHAIRMAN HONIGBERG: All right.

4                                 Ms. Connor, you may continue.

5                                 MS. CONNOR: Thank you. My computer  
6                                 technician is saying "just one second please."

7                                 (Short pause.)

8                                 MS. CONNOR: Thank you.

9                                 BY MS. CONNOR:

10                                Q. Mr. DeWan, we're starting again, but with  
11                                reference to your Methodology Flow Chart from  
12                                your report at APP14310. We've been talking  
13                                about the last step in your Methodology Flow  
14                                Chart, the visual impact analysis, correct?

15                                A. (DeWan) That's correct.

16                                Q. Okay. On the viewer effect, which is  
17                                two-thirds of Step 4, we talked a little bit  
18                                about the fact that you had a form from -- that  
19                                you used to rank the extent, nature, and  
20                                duration of each scenic resource, right?

21                                A. (DeWan) That's correct.

22                                Q. And, among other things, that form looked at  
23                                the activity in terms of whether or not the  
24                                visual quality was an intrinsic part of and

[WITNESS PANEL: DeWan~Kimball]

1           whether it would significantly affect the  
2           experience, i.e., kayaking, photography,  
3           driving scenic byways, or viewing scenery and  
4           hiking, as part of your form for extent,  
5           nature, and duration of use?

6   A.    (DeWan) What you're referring to is embedded in  
7           the "Nature of Activity" portion of that form.

8   Q.    Correct. And, in addition to nature of  
9           activity, you looked at extent of use and  
10          duration of view, to determine a ranking for  
11          that middle category under "Visual Impact  
12          Analysis"?

13   A.    (DeWan) That's correct.

14                   MS. CONNOR: Why don't we just pull  
15           that up, what I was just talking about, Sandy.  
16           It's APP14323. Perfect. Can you blow up a  
17           little bit the chart? The other side.  
18           Perfect.

19   BY MS. CONNOR:

20   Q.    And this, in fact, Mr. DeWan, is what we were  
21           just speaking about, where, at least with the  
22           nature of the activity for this category, you  
23           do look -- address the impact of the scenery?

24   A.    (DeWan) That's correct. And we notice that, in

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 the bottom right, there's a mistake in the  
2 chart. It should be "1 to 3", rather than "7  
3 to 9" under "Low".

4 Q. Would it be "1 to 3" or "zero to 3" for Low?

5 A. (DeWan) It probably should be "zero to 3", yes.

6 Q. Okay. All right. So, this is how you  
7 determine the extent, nature, and duration of  
8 the use. And am I correct that, in determining  
9 that, you would take into account how many  
10 people use a particular scenic resource?

11 A. (DeWan) In relative terms, not in actual  
12 numbers.

13 Q. Okay. And you would take into effect what they  
14 might do at a particular scenic resource?

15 A. (DeWan) That is correct.

16 Q. And you would take into effect perhaps how long  
17 they stay at a scenic resource?

18 A. (DeWan) Again, in terms of relative time.

19 Q. Yup. And those are all things that one can do  
20 by observation, correct?

21 A. (DeWan) For the most part, yes.

22 Q. Okay. I want to go back to your Methodology  
23 Flow Chart for a second.

24 MS. CONNOR: Can we zoom in on the

[WITNESS PANEL: DeWan~Kimball]

1 bottom please?

2 BY MS. CONNOR:

3 Q. So, we just talked about extent, nature, and  
4 duration of use. I want to go to the right,  
5 "Continued Use and Enjoyment". You did not  
6 have a form for rating that, did you?

7 A. (DeWan) That's correct. We did that in a  
8 narrative form in the description of each of  
9 the scenic resources.

10 Q. Am I correct that "continued use" is something  
11 different than "enjoyment of that continued  
12 use"?

13 A. (DeWan) It may actually be. But, again, we're  
14 looking at the wording in the SEC rules, and  
15 they say "continuing use and enjoyment".

16 Q. Okay. And am I correct that one can't observe,  
17 in the abstract, whether folks are going to  
18 continue to use the scenic resources after  
19 Northern Pass, because we're talking about  
20 something that's going to happen into the  
21 future. You can't observe that today?

22 A. (DeWan) You're asking us, can we -- we predict  
23 what the continued use is going to be.

24 Q. I understand that you can predict. What I'm

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 saying is, you can't actually tabulate to what  
2 extent folks are going to continue to use this,  
3 absent opinion?

4 A. (DeWan) I think that's a fair statement.  
5 Again, as we've said earlier, the "continued  
6 use" part of this evaluation has to do with our  
7 experience in the past and our observation in  
8 other projects, and the work that we've seen  
9 done in other similar situations.

10 Q. I'm simply trying to draw a distinction between  
11 these two categories. What's happening today  
12 is pretty easy to perhaps identify, versus  
13 what's going to happen in the future.

14 Different concepts?

15 A. (DeWan) Perhaps.

16 Q. Okay. And, in order to predict whether people  
17 are going to continue to enjoy a scenic  
18 resource in the same way that they would have  
19 but for these structures, you are being asked  
20 to make a prediction, aren't you?

21 A. (DeWan) An evaluation.

22 Q. A prediction?

23 A. (DeWan) Yes.

24 Q. Okay. And you did that in this case without

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 any particular form that you can show this  
2 Committee, in terms of how you ranked continued  
3 use and enjoyment on a low, medium or high  
4 basis? In other words, --

5 A. (DeWan) Well, as I said earlier, our evaluation  
6 of the potential effect on continued use and  
7 enjoyment is based upon the studies that we  
8 referenced earlier, for example, the Baskahegan  
9 study and the Lempster Wind study. And it's  
10 based upon our understanding about  
11 realistically how people use these sort of  
12 facilities, and whether or not they would be  
13 likely to come back to do the sort of  
14 activities which they are enjoying right now.

15 Q. Well, sir, if a particular user is visiting a  
16 scenic resource because of the visual quality,  
17 and that visual quality is an intrinsic part of  
18 what might significantly affect their  
19 experience, which is what you describe as a  
20 "high ranking" under extent, nature, and  
21 duration of public use, wouldn't that also be  
22 the equivalent in terms of their future use?  
23 Wouldn't they still be concerned about the  
24 scenery?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) I don't think there's any one rule of  
2 thumb that you can apply. I think we have to  
3 look at the individual scenic resources. You  
4 know, somebody is driving a scenic byway, for  
5 example, and sees the transmission line in two  
6 or three places, yes, they might not enjoy  
7 it -- they may not enjoy seeing it for those  
8 several seconds that they're passing through  
9 the transmission corridor. But it certainly is  
10 not going to affect they're continuing use of  
11 the area, and their overall enjoyment of the  
12 entire scenic byway might be diminished a very  
13 slight amount.

14 Q. So, in that answer, you distinguished between  
15 whether they would continue to use that scenic  
16 resource in the same manner post-construction  
17 from their enjoyment of it?

18 A. (DeWan) That's how we arrived at an  
19 understanding of continuing use and enjoyment.

20 Q. All right. And I believe you just acknowledged  
21 that, if they're on a scenic byway, and they  
22 now see these structures, their enjoyment of  
23 that scenic byway may be slightly diminished?

24 A. (DeWan) May be slightly diminished. Depends on

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 the context that they see it within and the  
2 speed that they travel over, the time of day,  
3 weather conditions, and so forth.

4 MS. CONNOR: Can we pull up Counsel  
5 for the Public Exhibit 466? Can we blow it up  
6 slightly, so we can just start with one area?  
7 Can we zoom in on Dummer, which is on  
8 Subarea 1, Page 1, near the bottom?

9 There we are. Why don't we start at  
10 the top, Sandy, and we'll identify each of the  
11 columns. Great.

12 BY MS. CONNOR:

13 Q. All right. Mr. DeWan, this is a summary taken  
14 from your tables. As you can see across the  
15 top, we've got "Potential Visibility", we've  
16 got your "Cultural Value" rating, your "Visual  
17 Quality" rating, "Scenic Significance", "Visual  
18 Effect", "User Expectation", "Extent, Nature,  
19 and Duration of Public Use", "Continued Use and  
20 Enjoyment", and then "Overall". Do you see the  
21 different categories?

22 A. (DeWan) Yes.

23 Q. Okay. And you'll notice that "Continued Use  
24 and Enjoyment", which is sort of the

[WITNESS PANEL: DeWan~Kimball]

1 pinky/purply column here, second from the end,  
2 that's what we were just talking about, and you  
3 had told me before lunch that, in fact, you  
4 either ranked the impact of these scenic  
5 resources as either "none" or "low impact", in  
6 terms of future use and enjoyment, right?

7 A. (DeWan) I said that we identified the  
8 "continued use and enjoyment" effect as low,  
9 because we were ranking both continued use and  
10 enjoyment.

11 Q. And, yet, just a second ago, you did concede  
12 that there could be a diminished future  
13 enjoyment, say, for example, of a scenic byway,  
14 if a structure were added to the view?

15 A. (DeWan) Momentarily. Probably a low -- I would  
16 probably call that a "low diminishment".

17 Q. Well, and it would have to be low, since you  
18 didn't rank a continued use and enjoyment any  
19 of the resources above low?

20 A. (DeWan) That's correct.

21 MS. CONNOR: Okay. Can we go down --  
22 less colors now. May we switch to ELMO please?  
23 Right near the top.

24 BY MS. CONNOR:

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. Excuse my scribblings on this, but this is  
2 still Exhibit 466. And I've circled two areas.  
3 The first is with regard to Subarea 1. And it  
4 has to do with the scenic byways in  
5 Clarksville. Am I correct that, in terms of  
6 the extent, nature, and duration of the use, in  
7 part, you rank them as having a medium rank  
8 because of the impact of the scenery on those  
9 scenic resources? See that?

10 A. (DeWan) They received a "medium", that's  
11 correct.

12 Q. Okay. And, then, going forward, to the right,  
13 when it comes to the future continued use and  
14 enjoyment of that resource, now the scenery has  
15 dropped down to "low". Scenery has no impact  
16 on whether the public is going to continue to  
17 have the same enjoyment and future use of the  
18 resource?

19 A. (DeWan) I don't think you're comparing  
20 apples-to-apples here. The purple column,  
21 "Continued Use and Enjoyment", is an evaluation  
22 of whether or not people would continue to use  
23 and enjoy, at this point, the combination of  
24 the Connecticut River Scenic Byway and the

[WITNESS PANEL: DeWan~Kimball]

1 Moose Path Trail Scenic Byway.

2 Q. Sir, can you explain to me why the scenery  
3 would be important to the byway in terms of the  
4 public's current use of it, but not important  
5 in terms of their future use?

6 A. (DeWan) I would have to go back and check our  
7 numbers. It probably had to do with the fact  
8 that, at this particular point, the Connecticut  
9 River Scenic Byway is a national scenic byway,  
10 and it's elevated somewhat in our evaluation  
11 form by that status.

12 Q. Okay. We can go down then to "Dummer", again,  
13 with the pond, you identify the current extent,  
14 nature, and duration of the public use as being  
15 "medium", because, in part, the scenery, but,  
16 going forward, the scenery isn't going to have  
17 any impact apparently on whether the public  
18 continues to use it and continues to have the  
19 same degree of enjoyment?

20 A. (DeWan) Again, I don't believe that you're  
21 comparing the two columns in the correct way.  
22 In the "Extent, Nature, and Duration" of the  
23 rating column looks at the way the facility or  
24 the resource is used right now. The one on the

[WITNESS PANEL: DeWan~Kimball]

1 right evaluates what may happen if the Project  
2 were to be in place.

3 MS. CONNOR: Can we go to Page 2,  
4 Eli, of the same exhibit? Oh.

5 BY MS. CONNOR:

6 Q. I've circled "Concord". For example, we have  
7 the "Oak Hill Trails". You determined that the  
8 extent, nature, and public use of those trails  
9 was a "high", which, under -- with regard to  
10 "nature of the activity", means they are  
11 activities in which visual quality is an  
12 intrinsic part of and may significantly affect  
13 the experience. And, yet, when we go forward,  
14 and we think about the impact of this Project  
15 on that same scenic resource, and that same  
16 individual's future use and enjoyment of it,  
17 it's no longer "high", now it drops down to  
18 "low"?

19 A. (DeWan) Absolutely. If you've been out there,  
20 you know that the Oak Hill Trails is a network  
21 of trails in Concord, with occasional  
22 long-distance views. But it's an exciting  
23 place to be because of the quality of the trail  
24 experience. It seems to be very highly used.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 People go out there for, you know, an afternoon  
2 ride. So, under that criteria, yes, we felt it  
3 was a high.

4 However, in looking at the effect that it  
5 may have, we have to ask the question "well,  
6 from those trails, is it going to be viewed  
7 from a lot of places?" Is it going to really  
8 affect the way that people use it right now?  
9 Are people not going to go mountain biking out  
10 there because they can see two or three  
11 structures at a distance of a mile away? Logic  
12 will say that, no, it's not going to affect the  
13 way people use that facility, because they're  
14 in an urban environment to begin with. And  
15 there's a lot of other things that are going to  
16 be blocking the views of the facility. So,  
17 "low" is a very appropriate designation here  
18 for continuing use and enjoyment.

19 Q. Well, you spoke at length about the future use.  
20 I didn't hear any reference to how the public's  
21 enjoyment might be impacted by now being able  
22 to see the structures?

23 A. (DeWan) The enjoyment will come by evaluating  
24 how it's being used right now. You know, are

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 people mountain biking, for example? Do they  
2 really enjoy the experience of mountain biking,  
3 traveling over these trails in the woods? And,  
4 to say that you're out there for four hours,  
5 and you see a couple of structures for four or  
6 five seconds at a time, it's hard to imagine  
7 that would affect someone's enjoyment, knowing  
8 that, while they're out there traveling, they  
9 probably have seen a lot of other things which  
10 are non-natural, in terms of transmission  
11 towers and structures and so forth.

12 Q. I'm going to do just one more example, which is  
13 on the last page of this same exhibit.

14 MR. IACOPINO: What exhibit are we  
15 on?

16 MS. MERRIGAN: It's going to be  
17 Counsel for the Public's Exhibit 466, and it  
18 will be uploaded to the website today.

19 MR. IACOPINO: Oh.

20 BY MS. CONNOR:

21 Q. This exhibit, on the last page, "Deerfield Town  
22 Hall/Village", you indicated again here a  
23 "high" current nature, extent, and duration of  
24 public use, which involves some indication that

[WITNESS PANEL: DeWan~Kimball]

1 the visual quality is an intrinsic part of and  
2 may significantly affect the experience.

3 But, if this Project is built, you're  
4 telling this panel that the public's future use  
5 and enjoyment of the Deerfield Town Hall is  
6 going to not be impacted at all or will have a  
7 very low impact?

8 A. (DeWan) Very low, yes.

9 Q. I understand. Low.

10 A. (DeWan) So, again, the same sort of rationale  
11 or way of looking at it applies here. That the  
12 Deerfield Town Hall and Village, the whole  
13 district there, is made up of a dozen or so  
14 historic structures. It encompasses a fairly  
15 large area in the -- surrounding the Town Hall  
16 and the church and so forth. People go there,  
17 and they can spend a fair amount of time going  
18 to church or using some of the other  
19 facilities. It's a place that's notable. So,  
20 we felt that "high" rating there was very  
21 appropriate.

22 The question that we asked, though, is, by  
23 seeing a single structure from a very limited  
24 amount of the overall area, which is many acres

[WITNESS PANEL: DeWan~Kimball]

1 in size, is going to be a significant effect on  
2 the way people now use the facility, scenic  
3 resource.

4 It's probably not going to affect people's  
5 desire to go to church there, to go to the  
6 other buildings, to go to the playground, to  
7 recreate, and so forth. They may not like it.  
8 They may not enjoy seeing the view. Again,  
9 it's not going to affect the continuing use and  
10 enjoyment.

11 Q. So, again, with respect to Deerfield, as I  
12 understand your testimony, you're saying that,  
13 even if that monopole dwarfs the Town Hall,  
14 folks are still going to go downtown, but  
15 they're going to have a diminished future use,  
16 but you didn't rate that future use -- that  
17 future enjoyment?

18 A. (DeWan) This is not a "downtown" area. This is  
19 a village center, okay. We did not rate it.  
20 But I think that our observation here is that  
21 the one location where you did the  
22 photosimulation from that you have seen, you  
23 know, is a very small part of the overall  
24 Deerfield Village Center. Again, thinking of a

[WITNESS PANEL: DeWan~Kimball]

1 balancing -- the balance between use and  
2 enjoyment, some people may not enjoy of it, we  
3 severely doubt it's going to have any effect  
4 whatsoever on the way that people now use the  
5 Deerfield Center.

6 MS. CONNOR: Thank you, Eli. Okay.

7 BY MS. CONNOR:

8 Q. I want to take a look at a couple of examples  
9 of scenic resources that you concluded there  
10 would be a strong visual impact, but for which  
11 no photosimulations were prepared.

12 MS. CONNOR: Can we pull up APP14546?

13 BY MS. CONNOR:

14 Q. Sir, am I correct that this is from your  
15 report, and it's a description of the Pemi  
16 River scenic resource?

17 A. (DeWan) Sahegenet Falls, in Bridgewater.

18 *[Court reporter interruption.]*

19 **BY THE WITNESS:**

20 A. (DeWan) Sahegenet, S-a-h-e-g-e-n-e-t.

21 BY MS. CONNOR:

22 Q. Am I correct that this Project crosses the  
23 river at multiple locations?

24 A. (DeWan) In four locations -- at four locations

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 the Project is located in the existing  
2 transmission corridor. So, it will cross the  
3 Pemigewasset River.

4 MS. CONNOR: Can we now pull up  
5 Counsel for the Public Exhibit 468?

6 BY MS. CONNOR:

7 Q. This is taken from your report showing the  
8 rating on the visual effect for a couple of the  
9 crossings. And I note that, on Subarea 4, Item  
10 Number 8, where it crosses at Ashland and  
11 Bridgewater, you rated the visual effect at  
12 "16", Ms. Kimball rated it at "20", David rated  
13 it at a "zero". Is that accurate?

14 A. (DeWan) No, it is not.

15 Q. Should that zero have been included when you  
16 averaged it to bring it down to "12"?

17 A. (DeWan) I don't believe he rated it.

18 Q. He didn't rate it at all?

19 A. (DeWan) No.

20 Q. So, in that particular rating, instead of  
21 having three, you only had two?

22 A. (DeWan) That's correct.

23 Q. Okay. If we go down below, at the Pembroke  
24 crossing in Bristol, we see that you rated the

[WITNESS PANEL: DeWan~Kimball]

1 visual effect of that crossing at a "21", Ms.  
2 Kimball also at "21", and David at a "zero".  
3 Is that also inaccurate?

4 A. (DeWan) I believe so.

5 Q. So, another situation where, instead of three,  
6 we only have two raters. Is the average -- or,  
7 the average then is also wrong, because, if we  
8 have two 21s, shouldn't we have a "21"?

9 A. (DeWan) Apparently so.

10 Q. Okay. And that would change the scale from  
11 "low/medium" to "medium", would it not?

12 A. (Kimball) If you look in the report, we  
13 assigned, let's see, this is for the Ayers  
14 Island Dam, is this right? Sorry. I'm sorry,  
15 which one are we on? Sorry, the Pemigewasset  
16 River crossings. All right, the overall visual  
17 impact rating is "low to medium" for the  
18 Pemigewasset River.

19 Q. Right. But that's because you factored in a  
20 zero.

21 A. (Kimball) No. Our evaluation of the  
22 Pemigewasset River is looking at a number of  
23 different locations.

24 Q. Well, shouldn't the average score be "21", and,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 if it is, wouldn't "21" be a straight "medium"  
2 score?

3 A. (Kimball) When we evaluated the Pemigewasset  
4 River in the report, it was evaluated as a  
5 single resource, as a whole entity. So, that  
6 Line 7 in our chart doesn't equate to any  
7 particular location in our report. It's one  
8 area along the river.

9 Q. I know. But, at that one point along the  
10 river, it appears the visual effect score  
11 should be "21"?

12 A. (Kimball) Right. But that number and that  
13 rating doesn't appear in our report as a single  
14 entity.

15 Q. No. Instead it's reflected as a "14", because  
16 you averaged in a zero that shouldn't have been  
17 averaged, correct?

18 A. (Kimball) There's nowhere in our report where  
19 we highlight the impoundment crossing and give  
20 it a "low to medium" score. So, our evaluation  
21 of the Pemigewasset River took into all of the  
22 crossings as a whole, as a single resource that  
23 was crossed multiple times.

24 Q. And the crossing at Bridgewater involves a

[WITNESS PANEL: DeWan~Kimball]

1 bridge that is eligible for the Historic  
2 Registry, correct?

3 A. (DeWan) We believe it's the highway bridge that  
4 you travel over on Route 3.

5 A. (Kimball) That's in Ashland.

6 A. (DeWan) It's between Ashland and Bridgewater.

7 Q. Correct. The Boston, Concord & Montreal  
8 railroad bridge?

9 A. (Kimball) That may be what that bridge is.

10 MS. CONNOR: Okay. Can we pull up  
11 Counsel for the Public 469?

12 BY MS. CONNOR:

13 Q. On Page 2 of that document, it indicates that  
14 this property has potential significance under  
15 the National Register of Historic Places. You  
16 see that under II?

17 A. (DeWan) Yes.

18 Q. Okay. And you took a picture of this bridge,  
19 did you not?

20 A. (DeWan) From the highway bridge.

21 Q. Yes. And that is Counsel for the Public 470.  
22 Is that the picture you took of this bridge  
23 from Route 3, in Ashland, New Hampshire?

24 A. (Kimball) That's right.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) It looks like ours, yes.

2 Q. Okay. So, at this crossing of the Pemi, we  
3 have the Bridgewater scenic easement, and we  
4 also have this Boston, Concord & Montreal  
5 railroad bridge, which is eligible for  
6 recognition on the National Register of  
7 Historic Places, and yet you judged the impact  
8 of this Project on that resource's visual  
9 effect as "low-medium". Is that right?

10 A. (DeWan) No. First of all, this is not where  
11 the scenic easement is located. That's further  
12 downstream.

13 Q. Okay.

14 A. (DeWan) And, secondly, the bridge, while it may  
15 be an historic resource, does not have public  
16 access.

17 Q. Okay. We have visual access of this historic  
18 bridge, do we not?

19 A. (DeWan) There's no public access, as we  
20 understand the term to mean.

21 Q. All right. So, you by your "low-medium"  
22 scoring on the Pemi, despite --

23 A. (DeWan) If the public was allowed to use it,  
24 that may be a different situation. But this is

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 no different than any private home, that may be  
2 on the National Register or eligible for it,  
3 that you have a view of it.

4 Q. Am I correct that the structures will be  
5 visible in the foreground of this history  
6 bridge?

7 A. (DeWan) Can you go to a plan view of the  
8 crossing, and I could show you where it will be  
9 located?

10 Q. Can you describe it for me, because I don't  
11 have a plan view right at my fingertips?

12 A. (DeWan) Okay. So, we did, in our analysis, we  
13 recognized the fact that a motorist traveling  
14 over the bridge, at assumed 40 miles an hour,  
15 will see structures on either side of the  
16 river, these are monopole weathering steel  
17 structures, basically the same color and  
18 texture as the bridge, for a total of four to  
19 five seconds, if they're looking to the right  
20 while they're traveling over the bridge. They  
21 will be seen at a distance of between 900 and  
22 1,500 feet away.

23 The structures on the right side, I  
24 believe, is going to be visible in a field.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 So, it would not be seen from this particular  
2 vantage point. The structure on the left side  
3 of the image is going to be seen on the far  
4 side of the bridge, near those large pine  
5 trees.

6 Q. Sir, the Pemi River is designated in the New  
7 Hampshire Rivers Management Program, correct?

8 A. (DeWan) When you say "designated", what do you  
9 mean?

10 Q. Well, I'm reading from your notes next to the  
11 "Ashland/Bridgewater Crossing".

12 A. (DeWan) Yes. It has been noted for its scenic  
13 quality as part of the river study.

14 Q. Okay. And we also have an eligible historic  
15 district, and we have the Bridgewater scenic  
16 easement. Despite the presence of these three  
17 scenic resources, you didn't think this  
18 location warranted a photosimulation, did you?

19 A. (DeWan) No, we did not. We felt that the  
20 description that we offered conveyed the effect  
21 that it would have. We provided  
22 photosimulations in other parts of the Pemi  
23 River. We also know that the amount of time  
24 that the average person spends going across the

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 highway bridge is limited. We also know  
2 there's no pedestrian facilities on the bridge.  
3 It's primarily bridge that you go over, as we  
4 said, in four to five seconds.

5 We also know that there is no public  
6 access on the field on the right side of the  
7 river, and, on the opposite side of the river,  
8 there's a large manufacturing building.

9 Q. Do you know, sir, whether the public has access  
10 to that bridge by snowmobile trails?

11 A. (DeWan) I do not know that.

12 Q. You didn't bother to check that out. And am I  
13 correct that, if you had not averaged in the  
14 zero, this particular scenic resource might  
15 have garnered a high enough score to get a  
16 photosimulation, right?

17 A. (Kimball) Where we decided to do the  
18 photosimulations was not at all tied to the  
19 chart that you're referring to. So, didn't  
20 have to achieve a certain score for us to  
21 decide to do a photosimulation there.

22 Q. But, in fact, aren't you required to do  
23 photosimulations at any that rank high?

24 A. (Kimball) This did not rank high. Even with

[WITNESS PANEL: DeWan~Kimball]

1 the 21 score, it's not high.

2 Q. Okay. It would have a been a medium?

3 A. (Kimball) I don't believe that the area that  
4 you have the paragraph of and the area that is  
5 in the chart are the same area. This is not  
6 the impoundment area.

7 Q. All right. Let's move on to the Deerfield  
8 Historic Center, which we were just talking  
9 about a moment ago.

10 MS. CONNOR: Could I have Applicant  
11 Exhibit 71, Attachment 9, APP36337.

12 BY MS. CONNOR:

13 Q. There we go. Do you recognize that as  
14 Deerfield Center?

15 A. (DeWan) I do.

16 Q. Can you describe the scenic resource?

17 A. (DeWan) Scenic resource is the entire Village  
18 Center.

19 Q. And the Deerfield Center Historic District is  
20 listed on the National Register of Historic  
21 Places, correct?

22 A. (DeWan) That's our understanding.

23 Q. And there are other buildings besides the  
24 Deerfield -- besides the church that are listed

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 on the National Register, right? The Deerfield  
2 Town Hall?

3 A. (DeWan) That's correct.

4 Q. We're looking at the Deerfield Community  
5 Church?

6 A. (DeWan) Right in the middle of the photograph,  
7 yes.

8 Q. Right. And you evaluated the historic district  
9 in Deerfield as having a "high cultural value  
10 and a high visual quality", correct?

11 A. (DeWan) That's correct.

12 Q. And, when you got to the impact of this  
13 resource on the viewer, what rating did you  
14 give for user expectation?

15 A. (DeWan) I believe we talked about that a few  
16 minutes ago, when we talked about continuing  
17 use and enjoyment of the Village Center.

18 Q. Right. It was "medium high" for the current  
19 use and then "low" for the future use, right?

20 A. (DeWan) "Medium high" for --

21 A. (Kimball) It received a "medium high" for user  
22 expectation.

23 Q. And "low" for future continued use and  
24 enjoyment?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (Kimball) And "low" for effect on continued use  
2 and enjoyment, correct.

3 MS. CONNOR: Can we pull up the  
4 photosimulation, which I believe we did briefly  
5 look at this morning, APP36340?

6 BY MS. CONNOR:

7 Q. And am I correct that the monopole is sort of  
8 hidden in the trees to the right?

9 A. (DeWan) In this particular view, it is.

10 Q. Okay. Now, am I correct that, during the  
11 technical sessions, you told us the field team  
12 had some difficulty finding a key option  
13 viewpoint for this particular downtown?

14 A. (DeWan) I don't recall saying that.

15 Q. Okay. I want to now pull up --

16 A. (DeWan) Excuse me. I know that we looked, you  
17 know, where a representative viewpoint might  
18 be, knowing that there's also a lot of other  
19 things going on in the sky here, as you can see  
20 in the immediate foreground there, with light  
21 poles and other local distribution lines.

22 MS. CONNOR: Can we pull up Counsel  
23 for the Public Exhibit 138, Page CFP005118?

24 BY MS. CONNOR:

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. Okay. And, again, do you recognize this as  
2 being another view from a slightly different  
3 angle of the Deerfield Church?

4 A. (DeWan) Yes.

5 Q. It's taken a few feet from your view in front  
6 of the Deerfield Town Hall, is it not?

7 A. (DeWan) That's near the other location.

8 MS. CONNOR: Can we now look at the  
9 photosimulation from this viewpoint, which is  
10 labeled CFP005119?

11 BY MS. CONNOR:

12 Q. Would you agree that, by shifting the direction  
13 of the photo ever so slightly, the new  
14 transmission structure became much more  
15 visible?

16 A. (DeWan) It is more visible in this location.

17 Q. So, every time folks go to the Deerfield Church  
18 and they drive down that road, they're going to  
19 have that view, correct?

20 A. (DeWan) No. They're not on the road. They're  
21 in a parking lot right here.

22 Q. Okay. If they parked at that parking lot,  
23 they're going to have that view, are they not,  
24 sir?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 A. Well, if you're going to the church, you're  
2 going to park in the church parking lot.

3 Q. Okay. I understand that you have come to the  
4 conclusion that the residents of Deerfield,  
5 that their future enjoyment of their downtown  
6 is going to have only a low impact as a result  
7 of that structure, is that correct?

8 A. (DeWan) Yes. As we said, future use and  
9 enjoyment. We don't anticipate that it's going  
10 to have any effect on the future use of the  
11 historic district, the Village Center right  
12 here. There may be people who do not like it  
13 from this particular vantage point. But, if  
14 you consider the Deerfield Center as a much  
15 larger area than we're photographing from right  
16 here, that's how we based our evaluation. The  
17 overall effect on the scenic resource, which is  
18 more than just this viewpoint.

19 Q. Correct. We know from the exhibit that we  
20 looked at briefly when we started, there are a  
21 number of resources in downtown Deerfield  
22 Center that the Town has identified as being  
23 historic and important to them. And they are  
24 all going to have similar views of this

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 structure, correct?

2 A. (DeWan) We don't believe that's true.

3 Q. Well, sir, you actually didn't map any of those  
4 sites. So, how is it that you actually have an  
5 opinion?

6 A. (DeWan) Again, as we went looking for a place  
7 to photograph from, you know, we looked at some  
8 of the other locations, and the intervening  
9 trees do an effective job of screening the  
10 location of the structure from most of the  
11 viewpoints within the village.

12 Q. The trees don't screen this viewpoint, do they?

13 A. (DeWan) No, they do not.

14 Q. How tall is that pole?

15 A. (DeWan) I don't have that number at the top of  
16 my head. I believe it's over 100 feet tall.

17 MS. CONNOR: Can we pull Society for  
18 the Protection of New Hampshire Forests  
19 Exhibit 69? Can we go to Deerfield Center?

20 BY MS. CONNOR:

21 Q. This is the Dodson photosimulation. Would you  
22 agree that the structure is also prominently  
23 visible -- oh-oh. Here's the prior picture.  
24 You'll agree that we're still looking at the

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Deerfield Church?

2 A. (DeWan) From the -- from Church Street.

3 Q. Correct. And, now, if we go to Page 57 of this  
4 exhibit, we see the simulation. Would you  
5 agree that this structure is also prominently  
6 visible from this viewpoint?

7 A. (DeWan) It's more visible in this location than  
8 it was without the structure.

9 Q. Okay. So, there are at least two locations  
10 within Deerfield Center Historic District where  
11 the proposed structure is visible next to the  
12 historic church, which you indicated as "high  
13 cultural value and high visual quality",  
14 correct?

15 A. (DeWan) That's correct.

16 Q. And you still stand by your assessment that the  
17 new structure is going to have a low impact on  
18 the continued use and enjoyment of this  
19 resource by the residents of Deerfield?

20 A. (DeWan) Again, we looked at the entirety of the  
21 scenic resource, which, in this case, is the  
22 historic district, which encompasses a very  
23 large area. And we know there are these two  
24 locations. We do not feel that, on average,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1           it's going to have a high scenic impact on the  
2           overall district.

3   Q.    The church itself is a scenic resource, is it  
4           not?

5   A.    (DeWan) It's an historic resource, and it is  
6           accessible to the public, we believe. It's  
7           part of the historic district.

8   Q.    And that scenic resource, the church, is going  
9           to have a higher than a low future enjoyment  
10          impact from this structure, is it not?

11  A.    (DeWan) We have not done an evaluation on that.  
12          Again, when you're inside the church, I believe  
13          there are stained glass windows there that  
14          prevent you from looking out. I would like to  
15          think that people would continue to worship  
16          there whether or not the transmission line is  
17          in place.

18                   MS. CONNOR: I want to pull up  
19                   another Deerfield shot from Nottingham Road,  
20                   Counsel for the Public Exhibit 138, CFP005115.

21  BY MS. CONNOR:

22  Q.    Do you recognize that photosimulation from the  
23          Boyle report?

24  A.    (DeWan) This is from Nottingham Road?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. Yes. Do you recognize it, sir?

2 A. (DeWan) I do recognize it, yes.

3 Q. Okay.

4 A. (DeWan) Yes.

5 Q. And you did not consider this particular scene  
6 from the public road, did you?

7 A. (DeWan) We did not consider it to be a scenic  
8 resource.

9 MS. CONNOR: Let's take a look at the  
10 Boyle photosimulation of the same view, which  
11 is at Counsel for the Public Exhibit 138,  
12 CFP005116.

13 BY MS. CONNOR:

14 Q. What is the size of the first lattice structure  
15 that we see in this simulation?

16 A. (DeWan) I don't have that number in front of  
17 me.

18 Q. How close is that first lattice structure to  
19 the road?

20 A. (DeWan) I would estimate it was within  
21 150 feet.

22 Q. Do you agree that this view might be slightly  
23 less jarring if we only had one type of  
24 structure in the corridor?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) We really haven't done an evaluation on  
2 this. And you're asking a hypothetical  
3 question that really demands more of a thought  
4 process than a off-the-cuff answer.

5 Q. Isn't that a standard recognized practice, to  
6 minimize the impact by trying to use one type  
7 of structure?

8 A. (DeWan) That's highly desirable.

9 Q. Uh-huh. And would this scene be slightly less  
10 industrial, if the structure colors were  
11 different to match the scenery?

12 A. (DeWan) Again, you're using some terms which  
13 you would need to be on-site and do an  
14 evaluation of the effects, using  
15 photosimulations to test the variables that  
16 you're discussing.

17 Q. Do you agree, sir, that some of what I've just  
18 talked about are mitigation measures that could  
19 be taken to reduce the impact upon the  
20 residents of Deerfield that are not outlined  
21 and not apparently going to be followed in this  
22 Project?

23 A. (DeWan) There's a lot of mitigation measures  
24 that can apply to many of these situations that

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 we're talking about. You know, we've talked, I  
2 believe, that the Committee has heard about the  
3 potential for plantings in areas like this that  
4 may be very effective.

5 I think the important thing to recognize  
6 here is that this is not a scenic resource.  
7 This is a residential street. It is not part of  
8 the Lamprey River Scenic Byway. It's an  
9 unnamed flowage or water body behind us. It's  
10 not a place that people go to for recreation,  
11 certainly is not a tourism destination.

12 Q. Well, would you agree, sir, that the  
13 photosimulation of what it might look like if  
14 this Project is passed has a pretty significant  
15 impact?

16 A. (DeWan) Again, we have not -- we don't do snap  
17 judgments like that, based upon a single  
18 photograph. We would want to look at a variety  
19 of other factors. You know, how long people  
20 are going to be in the corridor, what the land  
21 uses are on either side, what sort of screen  
22 potential is available there, and so forth.

23 Q. Okay. Let's go back to Big Dummer Pond, which  
24 is in Applicants' Exhibit 71-2, Attachment 9,

[WITNESS PANEL: DeWan~Kimball]

1 APP36195.

2 BY MS. CONNOR:

3 Q. That's the "before" picture, which we looked at  
4 this morning.

5 A. (DeWan) It's the panorama, yes.

6 Q. The panorama. And you rated user expectation  
7 on this pond as "low", because of the  
8 preexisting commercial activity, correct?

9 A. (DeWan) When we evaluated the effect on Big  
10 Dummer Pond as a resource as a whole, we had to  
11 consider what else was going on around it, in  
12 terms of visible additions to the landscape.

13 Q. In that particular photograph, the generator  
14 lead line and the wind turbines are not  
15 visible, are they?

16 A. (DeWan) In this particular photograph, I  
17 believe you can see the generator lead line and  
18 you can see some of the structures. Again,  
19 using the panoramic view, it diminishes the  
20 size of those sort of objects. If you go to  
21 the next photograph, which is the -- can you  
22 call that up?

23 Q. Certainly.

24 A. (DeWan) -- the normal view, you may be able to

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 see the generator lead line, above the  
2 evergreens above the shoreline.

3 Q. Well, this photograph actually is the  
4 simulation.

5 MS. CONNOR: If we go to the one  
6 immediately before that, Sandy. He's looking  
7 for the up front --

8 BY MS. CONNOR:

9 Q. That's the one that you were looking for,  
10 right?

11 A. (DeWan) Yes.

12 Q. Can you point out where the generator lead line  
13 and wind turbines are, because I have a hard  
14 time seeing it even in this picture?

15 A. (DeWan) Okay. If you go about an inch --  
16 "inch" is not a good scale to use, but, on our  
17 screen, about an inch to the left, I believe  
18 you can see the generator lead lines.

19 Q. They're virtually buried in the forest line,  
20 right?

21 A. (DeWan) When you're out there, they're a lot  
22 more apparent than they appear in this  
23 photograph.

24 Q. Hmm. Well, when I was out there, I could

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1           barely see them even in person. So, you've got  
2           a better eye than I.

3                       MS. CONNOR: I want to go to the  
4           simulation. That's it. Can we zoom in a  
5           little bit? The photo, in other words, drop  
6           off the bottom? Much better.

7 BY MS. CONNOR:

8 Q.       Now, would you agree, sir, that if these  
9           structures had been placed in the lead line,  
10          which is down much lower, there would be far  
11          less impact, in terms of the visual effect?

12 A.       (DeWan) We did not do that evaluation. So, I  
13          can't tell you what effect it would be, because  
14          it may involve other things, such as additional  
15          clearing, which may have been more visible from  
16          this location.

17 Q.       Okay. But you would agree, would you not, sir,  
18          that the photosimulation of what this Project  
19          is proposing to do, the structures are  
20          significantly more visible than whatever is  
21          there for the current lead line?

22 A.       (DeWan) I think that's potentially yes.

23 Q.       And is this an example of what they call  
24          "skylining" in your field of work, going up

[WITNESS PANEL: DeWan~Kimball]

1 over the ridgetop?

2 A. (DeWan) When it's seen up against the sky in  
3 this location, yes.

4 Q. And is that something that, in general, you try  
5 to avoid when you're siting transmission  
6 structures, because it makes them more visible?

7 A. (DeWan) Well, it's almost inevitable that they  
8 happen in some locations. You know, when your  
9 inside of a transmission line, looking up at a  
10 line of structures, some of them are going to  
11 appear against the sky. In some locations, as  
12 this one right here, they do appear in the sky.  
13 So, that's an example of the term that you  
14 used, for at least two of the structures.

15 Q. In your report, you note that the nature and  
16 duration of public use at Big Dummer Pond is  
17 medium, because the primary users on the pond  
18 are anglers and boaters. And while this group  
19 most likely enjoys the current scenic quality  
20 of the resource, it is likely that their  
21 primary motivation is the quality of fishing.  
22 Is that correct?

23 A. (DeWan) I believe that's what we wrote.

24 Q. Does your explanation of the future use of the

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 pond mean to suggest there's never an  
2 unreasonable scenic impact on a water body, so  
3 long as the Project doesn't preclude the  
4 fishermen from accessing the water to fish?

5 A. (DeWan) By that we meant that, if a person is  
6 going there to fish, you know, they're going to  
7 be there because of the quality of the fish.

8 Q. So, it doesn't matter what the scenery looks  
9 likes?

10 A. (DeWan) I'm not saying that. You know, it may  
11 be affected by it, but their primary reason for  
12 being there is going to be to enjoy the fishing  
13 experience. Again, using this as a comparable  
14 to the study we referenced before, the  
15 Baskahegan Project, where you had dozens of  
16 structures, larger than this, on a horizon line  
17 that did not affect people's enjoyment or the  
18 use of that particular lake. The same thing  
19 was found at Lempster.

20 Q. So, that analysis is similar to downtown  
21 Deerfield, people will still presumably go to  
22 church, and you're assuming that their future  
23 enjoyment of the church, with the new change,  
24 is going to not be affected at all or have a

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

1 low impact?

2 A. (DeWan) I know some people consider fishing to  
3 be a "religion", but I wouldn't want to compare  
4 the two that way. But the observation here is  
5 that people go there for a particular motive.  
6 And the motive being primarily fishing is not  
7 going to change. When they're out on the lake,  
8 yes, you're going to be seeing the transmission  
9 line in a certain portion of your view. And I  
10 guess, if somebody didn't want to see it, they  
11 would simply turn the boat around or go on the  
12 other side of the island.

13 Q. Do you have any idea, sir, whether people hike  
14 around this lake, and whether their enjoyment,  
15 hiking, since they're not fishing, will be  
16 impacted by this change of scenery?

17 A. (DeWan) We saw no indication of any hiking  
18 trails. I don't believe we saw any indication  
19 of any trails on any maps that we looked at for  
20 trails. People may walk along the access road  
21 that goes to the area. At the times that we  
22 were there, we saw some ATV use, and we saw  
23 people with pickup trucks. We actually saw a  
24 moose walking along the road. But, other than

[WITNESS PANEL: DeWan~Kimball]

1           that, we didn't see any indication that people  
2           go there to hike.

3   Q.    Did you happen to see the bald eagles that are  
4           out there?

5   A.    (DeWan) Did not see any bald eagles.

6   Q.    If folks went out to do wildlife observation,  
7           which we know this morning, from the chart, is  
8           apparently the most popular outdoor activity  
9           among New Hampshire residents, don't you think  
10          those people who are out there looking at the  
11          wildlife that their future use and enjoyment of  
12          this particular resource is going to be  
13          impacted by this change of scenery?

14   A.    (DeWan) It may actually be improved. A lot of  
15          people go to watch wildlife, and they go to  
16          cleared corridors, because it creates edge  
17          conditions, which are some of the richest  
18          habitats.

19   Q.    In this photosimulation, can you tell me how  
20          many lattice structures are visible at the  
21          actual pond level?

22   A.    (DeWan) At the actual what level?

23   Q.    Pond level. I know I see one immediately  
24          behind this little island. How many others?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) I don't believe any of them are right  
2 at the pond. They're all on the hillside above  
3 the surface of the lake.

4 Q. When you are in a boat on the pond, how many  
5 are going to be in your foreground?

6 A. (DeWan) I guess that depends on which way  
7 you're looking, and where you are on the pond.  
8 For this particular photograph, I'm counting  
9 one, two, three, four, five, six, seven, eight  
10 perhaps.

11 Q. And then how many cross the ridgeline?

12 A. (DeWan) Well, again, it depends on what you  
13 count as "crossing the ridgeline". Starting on  
14 the left-hand side, you've got two that are  
15 seen up against the vegetation, there are two  
16 against the sky, and the rest of them, again,  
17 are against the hills.

18 Q (By Ms. Connor:)

19 MS. CONNOR: Let's pull up Applicant  
20 Exhibit 71-2, APP36141.

21 BY MS. CONNOR:

22 Q. This is Moose Path. You rated user expectation  
23 as "medium", because the touring motorists will  
24 have a heightened expectation of scenic quality

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 due to promotional material generated for the  
2 scenic byway and signage along the way.

3 Correct?

4 A. (DeWan) I believe that's what we said, yes.

5 Q. Do you have any information on the number of  
6 tourists that stop to view this resource?

7 A. (DeWan) We have no indication of how many  
8 people actually drive the scenic byway for the  
9 express purpose of driving the byway. We have  
10 no idea how many people actually stop at this  
11 particular viewpoint. We know that there is a  
12 small pull-off opposite the cemetery.

13 Q. You didn't attempt -- are you finished, sir?

14 A. (DeWan) Go ahead.

15 Q. Did you attempt to analyze the foot traffic?

16 A. (DeWan) Foot traffic? In the cemetery or along  
17 the byway?

18 Q. Either. They're both there.

19 A. (DeWan) Well, it's not a place that is very  
20 inviting for pedestrians. There's no  
21 shoulders, there's no facilities, there's no  
22 pathway for pedestrians. It would be very  
23 unusual, I believe, to find somebody walking  
24 along at least this portion of the scenic

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 byway. Within the cemetery, we didn't see any  
2 evidence of any footpaths. There was a -- as I  
3 said, there is a small pull-off in the shoulder  
4 there that provided a point of access where  
5 people may want to go down to the cemetery.

6 Q. Sir, the absence of footpaths wouldn't prevent  
7 people from visiting the cemetery, would it?

8 A. (DeWan) I didn't imply that there was.

9 Q. Okay. It's my understanding that you rated the  
10 extent, nature, and duration of public use in  
11 terms of the impact on this particular scenic  
12 resource as "medium", because motorists -- you  
13 expect that motorists will pass through this  
14 area in 45 seconds, is that correct?

15 A. (DeWan) Going in one direction, yes.

16 Q. Okay. Did you attempt to analyze the impact on  
17 a local resident that might pass this site  
18 several times a week, 52 weeks out of the year,  
19 which would need to be multiplied against your  
20 45 second impact?

21 A. (DeWan) No, we did not.

22 MS. CONNOR: And can we pull up

23 APP36142? And then APP36144.

24 BY MS. CONNOR:

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. According to your VIA, that a visual effect on  
2 the viewer was "medium", because the structures  
3 "represent a relatively minor change to the  
4 overall experience of the byway and should not  
5 result in a substantial change in the way  
6 people now use or enjoy the byway." Is that  
7 correct?

8 A. (DeWan) That's correct. The scenic byway, both  
9 scenic byways are the scenic resources, not  
10 this particular viewpoint. And I think that's  
11 an important consideration, is we do all the  
12 evaluations, that the rules, as we understand  
13 them, ask us to evaluate the impact on the  
14 resource. And, in this particular case, I  
15 don't have the exact numbers, but I know the  
16 Connecticut River Scenic Byway is several  
17 hundred miles in length. This is going to be  
18 something which is going to be seen from people  
19 traveling in one direction for a very  
20 relatively -- a relatively small part of their  
21 entire journey.

22 Q. Am I correct, sir, that the steel monopole  
23 angle structures in the crest of this hill will  
24 appear above the skyline at more than twice the

[WITNESS PANEL: DeWan~Kimball]

1 height of the surrounding trees?

2 A. (DeWan) I don't know if they're "twice the  
3 height of the surrounding trees", but there are  
4 three structures that do appear above the  
5 trees.

6 Q. And am I correct, sir, that these structures  
7 will be even more noticeable during leave  
8 leaf-off conditions?

9 A. (DeWan) I believe we provided you with a  
10 photosimulation showing this view during  
11 leaf-off conditions.

12 Q. Sir, am I correct, the structures will be more  
13 noticeable during leaf-off conditions?

14 A. (DeWan) Well, they -- again, we do have the  
15 photosimulations that would answer that  
16 question. They may be more noticeable. I'm  
17 not looking at the image right now.

18 Q. If these structures constitute a "relatively  
19 minor change", what structure characteristics  
20 would reflect a major change?

21 A. (DeWan) Well, you're asking a hypothetical at  
22 this point. Again, we're talking about a  
23 change to the visual experience of somebody  
24 traveling a very lengthy scenic resource, in

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 this case, a scenic byway.

2 Q. Could you answer my hypothetical and tell me  
3 what structure characteristics would reflect a  
4 major change?

5 A. (DeWan) We do not like to deal with  
6 hypotheticals. We're dealing with more of the  
7 reality right here.

8 Q. May I have an answer, sir?

9 CHAIRMAN HONIGBERG: That's a harder  
10 hypothetical for him to answer, I think.

11 MS. CONNOR: Except that he  
12 characterized these structures as a "minor  
13 change". So, I'm trying to figure out what, on  
14 his scale, reflects a "major change"?

15 CHAIRMAN HONIGBERG: Would you offer  
16 him some different configurations and ask if  
17 they would be major.

18 BY MS. CONNOR:

19 Q. I'm going to try to -- oh, sorry, sir. Are you  
20 ready?

21 A. (DeWan) Yes.

22 Q. I'm going to try to approach that question in a  
23 different way.

24 A. (DeWan) Okay.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. Can you tell this panel what types of  
2 structures would result in a "high" visual  
3 quality evaluation rating?

4 A. (DeWan) To the entire scenic byway? And that's  
5 what we're rating right here.

6 Q. Sure.

7 A. (DeWan) And it goes back to, in our overall  
8 evaluation, looking at the criteria that's been  
9 established by the SEC. And that would be a  
10 function of, you know, distance to the  
11 observer, a lot of other factors. I would hate  
12 to paint you a picture of what constitutes a  
13 "high" at this point.

14 CHAIRMAN HONIGBERG: Give us a "for  
15 instance".

16 WITNESS DeWAN: A "for instance",  
17 okay.

18 CHAIRMAN HONIGBERG: Two hundred feet  
19 high, with a footprint of each tower, that's 30  
20 by 30 yards. I mean, --

21 **BY THE WITNESS:**

22 A. (DeWan) Let's say there is a spectacular lake  
23 in the foreground, okay, and this is a scenic  
24 overlook that the State of New Hampshire had

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 promoted. And the transmission line came in  
2 your immediate foreground. And, so, what  
3 you're seeing, instead of a beautiful view of a  
4 lake, now is punctuated by rows of transmission  
5 structures, maybe there's a substation off to  
6 one side.

7 Q. So, we need rows of structures and a  
8 substation?

9 A. (DeWan) No. I'm not saying you need all those.  
10 You just asked for an example.

11 Q. Okay.

12 MS. CONNOR: Can we pull up APP  
13 Example [Exhibit?] 71-2, which is Attachment 9,  
14 at APP36191?

15 BY MS. CONNOR:

16 Q. Sir, do you recognize this from your report as  
17 a photo of the existing conditions at Signal  
18 Mountain Fire Tower?

19 A. (DeWan) In Millsfield, yes.

20 Q. Yes. And, as I understand it, you ranked user  
21 expectation as "low", because the summit is  
22 wooded, so the fire tower affords the only way  
23 to gain a view and access is questionable?

24 A. (DeWan) Could you repeat the question again?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 I'm sorry.

2 Q. Sure. It's my understanding that you ranked  
3 user expectation at the Signal Mountain Fire  
4 Tower as "low", because the summit is wooded,  
5 so the fire tower affords the only way to gain  
6 a view and access is questionable?

7 A. (DeWan) Yes.

8 Q. And, by definition, aren't the views from fire  
9 towers particularly good, given their height?

10 A. (DeWan) If they are in good condition.

11 Q. Did you happen to Google this particular fire  
12 tower to identify how many folks still access  
13 it?

14 A. (DeWan) Yes, we have.

15 Q. So, you know that people do climb the fire  
16 tower?

17 A. (DeWan) What we found is that, and I've checked  
18 on several occasions, very few people go to  
19 this location. Most of the people that go  
20 there end up bushwhacking to get to the top.  
21 And, once they get there, there's -- it's kind  
22 of a shaky climb to the top.

23 Q. Were your photos taken from the top of the fire  
24 tower?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) We did not take these photographs. I  
2 believe they were taken from on the fire tower.  
3 I don't know if they were taken from the top or  
4 not.

5 Q. Did you go to Signal Mountain?

6 A. (DeWan) I have not been to Signal Mountain.

7 Q. So, you don't know from what vantage point  
8 these photos were taken?

9 A. (DeWan) I just know they were taken from  
10 someplace on the fire tower. We believe they  
11 were taken from the top of the fire tower. We  
12 weren't there when they took the photographs.

13 Q. You ranked the extent, nature, and duration of  
14 public use at this location as "low", because  
15 "if there ever were views from the tower they  
16 have been lost to forest growth". How is it  
17 you're able to make that statement, when you  
18 didn't go to Signal Mountain?

19 A. (DeWan) From the photographs that we have seen,  
20 and looking at air photo information.

21 Q. Isn't the fire tower situated above the trees?

22 A. (DeWan) Obviously, it is, because that's where  
23 the photograph shows the trees below you.

24 Q. Then, the views from the tower wouldn't be lost

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 to forest growth?

2 A. (DeWan) If this was an active fire tower, --

3 A. (Kimball) The Project, where it comes closest  
4 to the fire tower, is blocked by the trees in  
5 the foreground. You can see the trees at the  
6 base of this photograph that continue along.  
7 So, as the Project gets closer to the fire  
8 tower, it disappears into the trees. So, the  
9 part that's visible, if you want to show the  
10 photosimulation on the next page, shows the  
11 Project in the distant landscape, as opposed to  
12 the immediate foreground or middleground.

13 Q. I'm certainly going to show them the  
14 simulation, but, unfortunately, I don't have  
15 additional views of this, because --

16 A. (Kimball) You do in our report, on Page 1-61,  
17 we show several views from the top of the fire  
18 tower in various directions.

19 Q. But you can't tell this Committee whether all  
20 of the views are impacted by forest growth,  
21 because you didn't go there.

22 A. (Kimball) We have full panoramic photographs  
23 from the top of the fire tower. So, we show  
24 photographs in our report that depict that

[WITNESS PANEL: DeWan~Kimball]

1 exact statement.

2 MS. CONNOR: Can I pull up the  
3 photosimulation, which is at APP 36192? Can we  
4 zoom in on the lattice structures. There you  
5 go. Perfect.

6 MR. NEEDLEMAN: Mr. Chair, I'm going  
7 to object. I think the rules require  
8 photosimulations to be viewed in a certain way  
9 from a certain angle. And, I think, if you  
10 zoom in like this, it distorts the view.

11 CHAIRMAN HONIGBERG: Well, there's no  
12 question that it's zoomed in to make it appear  
13 different than is in the rules. But this is  
14 for illustrative purposes, I think, to show us  
15 what would happen if, I think.

16 MS. CONNOR: Correct. Because, even  
17 on the computer, it's not the same as in the  
18 photosimulations, which are on 11 by 7 paper,  
19 which you -- which the panel has.

20 CHAIRMAN HONIGBERG: Right.

21 MS. CONNOR: Okay.

22 BY MS. CONNOR:

23 Q. Based upon the photosimulations, you determined  
24 the visual effect would be medium, because the

[WITNESS PANEL: DeWan~Kimball]

1 lattice structures will extend in a line  
2 throughout most of the horizontal field of  
3 view, and it is a strong manmade line when seen  
4 from the viewer superior position. Correct?

5 A. (DeWan) I believe that's what we said.

6 Q. But then, in terms of future effect, you noted  
7 that this Project "should not result in a  
8 substantial change in the way people now views  
9 or enjoy the fire tower." Is that correct?

10 A. (DeWan) Knowing that the people who go there  
11 now have to really scramble to get to the top,  
12 and --

13 Q. And the people that go there now and bushwhack  
14 to the top to see the view, isn't this going  
15 to -- isn't this Project going to have a  
16 substantial way in their future enjoyment of  
17 the tower?

18 A. (DeWan) Will it change the way they use it  
19 right now, the several people a year? I think  
20 those people will probably still go there.  
21 Might they -- might they not like the  
22 introduction of the new manmade elements? I  
23 would say that's a fair statement.

24 Q. So, they may still hike up to the top, but you

[WITNESS PANEL: DeWan~Kimball]

1 didn't specifically address whether their view  
2 is going to be diminished, in terms of  
3 enjoyment?

4 A. (DeWan) Well, we've shown what the view would  
5 look like. Yes. It's important to realize  
6 that, if you look on Page 1-61 of our report,  
7 that the view is a very broad panorama, and  
8 this is a relatively small part of it.

9 Q. But it's a pretty significant change in that  
10 panoramic view, is it not?

11 A. (DeWan) It is a change. And, again, looking at  
12 the image that we provided, it's a layered  
13 landscape, looking out at a far, distant  
14 landscape. That's, I think, what people go  
15 there to see, the layered mountains that are  
16 seen from that particular viewpoint.

17 MS. CONNOR: Can we pull up APP36285?

18 BY MS. CONNOR:

19 Q. This is from your report, a description on Slim  
20 Baker, Inspiration Point, in Bristol, New  
21 Hampshire, is that correct?

22 A. (DeWan) That's correct.

23 Q. And we see in the picture that you started with  
24 that we've got a bench out here for viewing?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) That's correct.

2 Q. And am I correct that Inspiration Point is on  
3 top of Little Round Mountain?

4 A. (Kimball) That's correct.

5 A. (DeWan) It's part of the Slim Baker area.

6 Q. Yes. And your summary notes that there is  
7 approximately a one-acre clearing on the top of  
8 the mountain, and that acts as an open-air  
9 chapel as a memorial, and it's only a  
10 ten-minute walk from a parking area. So, it's  
11 easily accessible?

12 A. (DeWan) It's not easily accessible. It's a  
13 very, very steep walk.

14 Q. Okay. Well, it's only a ten-minute walk,  
15 correct?

16 A. (DeWan) Did we say "ten minutes"?

17 Q. You did.

18 A. (DeWan) Okay. Well, must have been doing that  
19 at the beginning of the day.

20 Q. Okay. You concluded that the user expectation  
21 at this site was medium, because there's  
22 considerable evidence of prior development.  
23 And, because it's so close to Bristol, that  
24 folks should expect modifications in the

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 landscape. Correct?

2 A. (DeWan) When you leave downtown Bristol, you go  
3 along a town road system. You go up the access  
4 road. You're passing by farmland and open  
5 fields. You finally arrive at the base lodge.  
6 You then walk on this steep pathway to get up  
7 there. When you're up there, as you can see  
8 partly in this photograph, there is a lot of  
9 other forms of cultural evidence. Looking to  
10 the left, you're looking down into downtown  
11 Bristol, you can see a wind farm in the far  
12 distance. So, you're not -- you don't feel  
13 like your right in the middle of the National  
14 Forest here.

15 Q. So, it continues to be your opinion that there  
16 is considerable evidence of human development  
17 in this photo?

18 A. (DeWan) There is. And you can also see the  
19 existing transmission line.

20 Q. Did you do any studies to determine the number  
21 of visitors that access this point each year?

22 A. (DeWan) We did not.

23 Q. Did you make any inquiry to determine how many  
24 local churches might hold services at the

[WITNESS PANEL: DeWan~Kimball]

1 memorial?

2 A. (DeWan) We do not have that information.

3 Q. Do you know whether this is a popular location  
4 for wedding ceremonies?

5 A. (DeWan) I don't know that.

6 Q. I want to pull up your simulation, which is at  
7 APP36288. How many new structures are going to  
8 be visible from Inspiration Point?

9 A. (DeWan) At this location, there are five.

10 Q. Can you describe the height of those  
11 structures?

12 A. (DeWan) They range between 70 and 110 feet,  
13 depending upon their position in the landscape.

14 Q. Will you agree that the silver color of the  
15 lattices' structures will reflect in the  
16 sunlight?

17 A. (DeWan) Under certain times of the day, they  
18 may.

19 Q. You concluded this Project would have an  
20 overall medium visual effect, because the  
21 Project would add new structures that are  
22 taller, it would result in additional clearing,  
23 and the structure colors would be more visible  
24 when the sunlight reflects off them. Correct?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) That's correct.

2 Q. And, yet, you concluded the Project would not  
3 have a high impact on the point, because  
4 "Inspiration Point is the only overlook within  
5 the 135-acre property with views of the  
6 corridor." Did I read that correctly?

7 A. (DeWan) That's correct. Yes. We were looking  
8 at the overall Slim Baker area.

9 Q. So, even though it's going to have a high  
10 impact on the point, you reduced the impact to  
11 a "medium" based upon other areas within Slim  
12 Baker that don't have this view?

13 A. (Kimball) Can you point out where we say it's  
14 going to have a "high impact on Inspiration  
15 Point"?

16 CHAIRMAN HONIGBERG: Doreen, off the  
17 record.

18 *[Brief off-the-record discussion*  
19 *ensued.]*

20 CHAIRMAN HONIGBERG: We're going to  
21 take a ten-minute break.

22 (Recess taken at 2:46 p.m.  
23 and the hearing resumed at  
24 3:03 p.m.)



[WITNESS PANEL: DeWan~Kimball]

1 CHAIRMAN HONIGBERG: Ms. Connor, you  
2 may continue.

3 BY MS. CONNOR:

4 Q. Mr. DeWan and Ms. Kimball, when we broke, we  
5 were talking about Slim Baker Recreation Area  
6 and Inspiration Point. And, according to your  
7 report, you rated the visual effect of the  
8 Project on this as "high", the user expectation  
9 as "medium high", but, in terms of future use  
10 and enjoyment, you rated it as "low". Is that  
11 correct?

12 A. (DeWan) I don't believe so. If you look on  
13 Page 4-22, we rated the overall visual impact  
14 on Inspiration Point as "medium", the overall  
15 visual impact on Slim Baker area as "low".

16 MS. CONNOR: Can we pull up APP14561?

17 BY MS. CONNOR:

18 Q. I think the distinction is whether we're  
19 talking about the recreation area as a whole or  
20 whether we're talking about Inspiration Point.  
21 And, in terms of Inspiration Point, as we can  
22 see from that particular page, we have "medium"  
23 on user expectation; "medium" on extent, nature  
24 and duration; and overall "medium". I don't

[WITNESS PANEL: DeWan~Kimball]

1 see future use and enjoyment on this particular  
2 page. But it was my understanding you  
3 determined that was "low", is that correct?

4 A. (Kimball) The impact on --

5 A. (DeWan) We do say that, in the middle of the  
6 page, under "Overall Visual Impact".

7 Q. And, in the middle of the page, you concluded  
8 that, in part, "because Inspiration Point is  
9 the only overlook within the 135-acre property  
10 with views of the corridor." Right?

11 A. (DeWan) That's what we say.

12 Q. Given that the top of the mountain is the one  
13 cleared area where you do have a 180-degree  
14 panoramic view, isn't the impact of the  
15 structures going to be greater at that  
16 particular point?

17 A. (DeWan) They will certainly be more noticeable  
18 at that point than in other points within the  
19 Slim Baker Foundation land.

20 Q. But you determined the overall visual impact by  
21 looking at the entire 135-acre parcel, as  
22 opposed to the cleared area that has a precise  
23 view of the structures?

24 A. (DeWan) Well, we provided both.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (Kimball) The overall visual impact on Slim  
2 Baker is "low". The overall visual impact on  
3 Inspiration Point is a "medium". And there are  
4 a number of bullet points that support that.

5 Q. In your report, you go on to note that the  
6 Project doesn't have a high impact on  
7 Inspiration Point, because of the considerable  
8 human development, and the fact that the  
9 structures will not block "the views of the  
10 rolling hills", which are the primary focus of  
11 the point. Is that correct?

12 A. (DeWan) I believe so, yes.

13 Q. Do you mean to suggest that a high overall  
14 visual impact rating is not warranted unless  
15 the new structures are going to block the  
16 entire view?

17 A. (DeWan) We wrote that knowing that the view  
18 from Inspiration Point is more than the single  
19 image that you showed on the screen. There's  
20 actually several panels that make up the  
21 overall view.

22 MS. CONNOR: Could we go back to  
23 APP36288.

24 BY MS. CONNOR:

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. This is a medium impact, because the new  
2 structures don't entirely block the view?

3 A. (DeWan) Again, this is one of a component of  
4 images that we showed to illustrate what the  
5 view would be like from Inspiration Point.  
6 It's more than just this one snapshot.

7 Q. I understand that. But, from the point, and we  
8 have a little bench right here, we can see  
9 that's where they direct people to sit and  
10 observe the view. That's why they have the  
11 overlook point. And, yet, it doesn't get a  
12 high impact rating, despite the fact that we  
13 now have an expanded corridor and we have a  
14 number of readily visible lattice structures?

15 A. (DeWan) Well, my point is that, no pun  
16 intended, that's a view looking in this  
17 direction. The actual view, when you're up  
18 there, looks in this direction and that  
19 direction. And, so, what you're seeing, in the  
20 one simulation that you provided, is a portion  
21 of the entire view that you see when you're  
22 on -- at that Inspiration Point.

23 Q. Okay.

24 A. (DeWan) And we illustrate that in the other

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1           photosimulations that we provided as our  
2           analysis of the view from the Slim Baker area.

3   Q.    In addition to the Slim Baker area, you also  
4           did a -- oh, you did not do a photosim. I  
5           wanted to talk about Canterbury/Shaker Village  
6           Scenic Byway.

7                    MS. CONNOR: Can we pull up APP14617?

8   BY MS. CONNOR:

9   Q.    This is your write-up for the Canterbury/Shaker  
10           Village Scenic Byway.

11   A.    (DeWan) We recognize it, yes.

12   Q.    And you ranked the user expectation as "low",  
13           because the users are accustomed to driving  
14           under transmission lines, and the byway passes  
15           through areas of human development. Is that  
16           correct?

17   A.    (DeWan) That's right. People going on the  
18           Shaker Village Scenic Byway, I think their  
19           expectation will grow the closer they get to  
20           the scenic byway -- actually, the Shaker  
21           Village, rather, or Canterbury Village. This  
22           is quite a ways away from that. This is a very  
23           residential area for this part.

24   Q.    Tourists that are specifically setting out to

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 go to Shaker Village, they wouldn't necessarily  
2 be accustomed to driving under transmission  
3 lines, would they?

4 A. (DeWan) Well, right now, they travel under the  
5 transmission lines that are out there.

6 Q. I understand that. I'm not talking about the  
7 residents that live there. I'm talking about a  
8 tourist who's coming in for their first time to  
9 see Shaker Village.

10 A. (DeWan) Well, if you look at Photo 3, at Page  
11 5-11, you'll see the existing transmission  
12 line.

13 Q. I'm not disputing that they're there. I'm  
14 questioning your rationale for why you rank  
15 this as "low", and it's because "users are  
16 already accustomed to driving under the  
17 transmission lines". You're saying that  
18 applies equally to somebody that comes in from  
19 out-of-state?

20 A. (DeWan) This particular part of the byway, I  
21 think, is representative of many residential  
22 areas throughout most of the northeastern  
23 United States. It's not until you get to the  
24 more scenic parts as the destination for this

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 particular byway that people's expectation will  
2 grow. You know, the low rating was based upon  
3 their expectation of seeing a certain level of  
4 visual quality, relative to the Shaker Village  
5 and Canterbury Village Center. The fact of the  
6 matter is that, when they're traveling along  
7 here, they see a lot of forms of human  
8 development, including the existing  
9 transmission line, local distribution lines,  
10 residential properties, and so forth.

11 Q. Okay. And you rank the extent, the nature, and  
12 duration of public use as "low", because again  
13 you conclude that passing motorists are going  
14 to be by the structure within five seconds?

15 A. (DeWan) That is correct.

16 Q. And yet you concluded that the visual effect  
17 would be "medium", because the new structures  
18 are significantly higher and more visible?

19 A. (DeWan) That's correct.

20 Q. And you did not prepare as visual simulation  
21 for this resource?

22 A. (DeWan) That is correct. We did not feel that  
23 this was the reason that the Shaker Village  
24 Scenic Byway was in existence. It's existence

[WITNESS PANEL: DeWan~Kimball]

1 I think is very strongly connected to the  
2 Shaker Village, which is located at quite a  
3 distance from the particular -- from the  
4 Project. And there is no visibility from there  
5 or other resources along the way.

6 MS. CONNOR: Let's pull up Counsel  
7 for the Public Exhibit 138, CFP005094.

8 BY MS. CONNOR:

9 Q. Do you recognize this as a photo of the  
10 existing transmission corridor as it crosses  
11 Boyce Road, looking north, in Canterbury?

12 A. (DeWan) I have seen this photograph, yes.

13 Q. Can you describe the height of these wooden  
14 structures?

15 A. (DeWan) I would suspect that the ones on the  
16 left are probably in the 45-foot range. The  
17 ones on the right, I don't know for a fact, but  
18 probably in the 80 to 90-foot range.

19 Q. Can you estimate for us the distance of the  
20 first structure to the road crossing?

21 A. (Kimball) Is this looking east -- or, north or  
22 south down the transmission corridor?

23 Q. North.

24 A. (Kimball) Looking north?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) I think it's hard to tell, because you  
2 can't see where the base of the structure is  
3 because of the shrubbery in the immediate  
4 foreground.

5 Q. Okay. How about the distance of the first  
6 structure to the house that we see in the far  
7 left-hand corner of the picture?

8 A. (DeWan) How close is that first structure on  
9 the left, --

10 Q. Yes.

11 A. (DeWan) -- the H-frame structure? Roughly the  
12 length of a football field, maybe a little bit  
13 more, maybe 350 feet.

14 Q. Am I correct that it appears there's about ten  
15 structures in the existing corridor that are  
16 visible from the road crossing?

17 A. (DeWan) It appears to be a reasonable  
18 estimation.

19 MS. CONNOR: Let's pull up the  
20 photosimulation of this crossing, which is at  
21 Counsel for the Public 005095.

22 BY MS. CONNOR:

23 Q. Can you describe the height of the new steel  
24 structure that's in the immediate foreground?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) I can't, because we can't see the top  
2 of it from here.

3 Q. Okay. Can you estimate the distance of the  
4 first structure from the viewer standing in the  
5 road?

6 A. (DeWan) I would say, within 20 feet perhaps.

7 Q. Substantially closer than what exists today,  
8 the prior picture?

9 A. (DeWan) Yes. And I don't know how far the  
10 closest structure is on the other side of the  
11 road either.

12 Q. These structures are also now considerably  
13 closer to the house in the left-hand corner, is  
14 that true?

15 A. (DeWan) I don't know that.

16 Q. Okay.

17 A. (DeWan) Sometimes it's hard to tell, when  
18 you're just looking at a single photograph.  
19 You really have to look with aerial photographs  
20 to make that determination.

21 Q. Am I correct, under the photosimulation of what  
22 is expected for this Project, that now, instead  
23 of about ten structures, we have 17 that are  
24 visible from the road crossing?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) I think that's more than I would get.  
2 When we say "structure", I consider an H-frame  
3 to be one structure.

4 Q. You mean what is right in the center of the  
5 picture, the two A-frames, you count that as  
6 one?

7 A. (DeWan) An H-frame is a single structure, yes.

8 Q. Okay. Does this simulation reflect a low,  
9 medium, or high visual impact on the residents  
10 in Canterbury who access Boyce Road daily?

11 A. (DeWan) We have not evaluated that.

12 Q. Can you tell me how you would characterize it  
13 today?

14 A. (DeWan) How we would evaluate the existing  
15 conditions today?

16 Q. How you would evaluate this visual simulation,  
17 in terms of visual impact, on the residents who  
18 access this road daily, or on the homeowner who  
19 lives right next door?

20 A. (DeWan) Well, first of all, we don't evaluate  
21 views from private property.

22 Q. Okay. Then, let's start from the public road.

23 A. (DeWan) Okay. From the public road, I guess,  
24 you know, we probably wouldn't evaluate this,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 because we don't consider this to be a tourism  
2 destination.

3 Q. Go to the Cohos Trail, in Stark, New Hampshire.  
4 My understanding, from your summary of  
5 resources in Stark, that this Project is going  
6 to cross the Cohos Trail managed by the Trail  
7 Association, APP14411. You see the trail? You  
8 rank user expectation on this trail crossing as  
9 "high", correct?

10 A. (DeWan) In number 17.

11 Q. Yes. And am I correct that the trail crossing  
12 ranked in part a high user expectation because  
13 of the hiker's expectation of quality scenery?

14 A. (Kimball) Where are you referring to? You're  
15 not referring to the exhibit in front of us.

16 Q. Oh, I'm referring to the individual page now.

17 MS. CONNOR: Can we go to APP 14425?  
18 They're we go.

19 BY MS. CONNOR:

20 Q. Am I correct that the trail crossing you ranked  
21 a higher -- a "high" user expectation?

22 A. (Kimball) This is for the Nash Stream Forest  
23 and the Cohos Trail?

24 A. (DeWan) Yes. Are you talking about one in the

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 same?

2 Q. Yes. And you ranked the extent and duration of  
3 public use of the crossing post-construction as  
4 a "medium", correct?

5 A. (DeWan) I don't think we're talking about the  
6 Cohos Trail crossing right here.

7 MS. CONNOR: Can we go back to the  
8 full page?

9 BY MS. CONNOR:

10 Q. Cohos Trail crossing is right in the middle of  
11 that page, is it not?

12 A. (DeWan) I'm sorry.

13 Q. You see it?

14 A. (Kimball) No.

15 Q. We can blow it up. It's the middle of the  
16 first column. It's a heading. And I'm  
17 pointing, which doesn't do you any good at all.  
18 Okay?

19 A. (DeWan) Okay. Okay. We're in Stark right now,  
20 just north of Percy Road, where it crosses  
21 into --

22 Q. Correct, it crosses.

23 A. (DeWan) Yes, into Nash Stream Forest, and then  
24 crosses over the existing transmission

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

1 corridor.

2 Q. It's my understanding you arrived at an overall  
3 "low" visual impact rating for the crossing, is  
4 that correct?

5 A. (DeWan) No. This is a rating for Nash Stream  
6 Forest as a whole.

7 Q. Well, we were just talking about the crossing.  
8 That's part of the forest, is it not? And I  
9 thought that the rating that you gave for the  
10 crossing was "medium". I'll pull that up  
11 separately.

12 MS. CONNOR: Can we pull up the  
13 summary for Subarea 1? Could we have the ELMO  
14 please?

15 BY MS. CONNOR:

16 Q. All right. I circled the trail. And your  
17 summary talks about where it crosses in the  
18 Nash Stream Forest, crosses the corridor, we  
19 have a "medium", a "medium", and a "medium",  
20 correct?

21 A. (DeWan) That is correct.

22 Q. And it's my understanding that your explanation  
23 for when you -- well, strike that. When you  
24 got back to your comments, how did you rate the

[WITNESS PANEL: DeWan~Kimball]

1 overall user effect of the crossing? Did you  
2 rate it medium or low?

3 A. (DeWan) I don't know if we rated the overall  
4 effect on the Cohos Trail crossing right there.  
5 What we were doing on Page 1-97 was evaluating  
6 the visual effect on the Nash Stream Forest and  
7 the crossing of the Cohos Trail within it. So,  
8 we rated the overall effect on Nash Stream  
9 Forest as "low".

10 Q. So, you rated the forest, but not the crossing  
11 of the trail, is that correct?

12 A. (DeWan) We describe in a lot of detail what the  
13 viewer would experience in crossing the  
14 140 feet of the corridor over the 30 seconds  
15 that they would be within the corridor, after  
16 having left the Percy Road a few minutes  
17 earlier.

18 Q. And, as I understand it, in your report, you  
19 concluded that the overall impact would be low,  
20 because "the Northern Pass structure should not  
21 have an effect on the way visitors use these  
22 trails". Is that correct?

23 A. (DeWan) That's correct.

24 Q. So, this is like the fishermen, like the folks

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 going to church, the structures aren't  
2 preventing the user from accessing the trail is  
3 what you mean?

4 A. (DeWan) There are structures there right now,  
5 the clearing is there right now. People who  
6 will walk the Cohos Trail as they go into Nash  
7 Stream Forest, from Stark, will see a  
8 difference for those 25 to 30 seconds that  
9 they're in there.

10 Q. But your comment doesn't address the impact of  
11 the change the hikers will experience, does it?  
12 It just simply addresses the fact that they  
13 aren't prevented from using the trails?

14 A. (DeWan) I don't know if we addressed it on this  
15 page right here. We do talk about the Cohos  
16 Trail as a linear resource in another part of  
17 the document.

18 A. (Kimball) On Page 1-4, we evaluate -- on  
19 Page 1-4 of the report, we evaluate the Cohos  
20 Trail as a single entity as a whole. In this  
21 particular spot, we're evaluating it within the  
22 Nash Stream Forest.

23 Q. And you go on to indicate that it has a low  
24 overall score, because the majority of the new



[WITNESS PANEL: DeWan~Kimball]

1 structures will be weathering steel monopoles,  
2 which will have a low contrast in color when  
3 seen against the forested background. Right?

4 A. (DeWan) Which page are you reading? I might be  
5 on a different page.

6 A. (Kimball) What's the exhibit you're referring  
7 to on the screen?

8 Q. APP14425.

9 MS. CONNOR: And now we're going to  
10 need to switch from the ELMO back to the  
11 computer. The middle to the last bullet item,  
12 Sandy, is what I just read.

13 BY MS. CONNOR:

14 Q. See that from your report?

15 A. (Kimball) Yes. What's your question?

16 Q. I'm just asking if that was part of your  
17 report?

18 A. (Kimball) This is our report.

19 MS. CONNOR: All right. I now want  
20 to pull up T.J. Boyle's photosimulation of the  
21 Cohos Trail crossing, which is Counsel for the  
22 Public Exhibit 138, CFP005152. That is the  
23 existing. And now can we go to the next page,  
24 which will show the simulation?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 BY MS. CONNOR:

2 Q. Would you agree that the structures that are  
3 proposed are not weathered steel monopoles,  
4 with a low contrast in color?

5 A. (DeWan) As shown in this illustration, they are  
6 proposed to be galvanized.

7 Q. And would you agree that these wooden  
8 structures are not situated to the side of the  
9 corridor, as would be a best management  
10 practice, in terms of mitigation?

11 A. (DeWan) I believe you said "wooden poles".  
12 These are not wooden poles.

13 Q. Oh, right. These structures.

14 A. (DeWan) Could you repeat.

15 Q. Sure.

16 MS. CONNOR: Go back to the prior.

17 There we go.

18 BY MS. CONNOR:

19 Q. Here we have wooden structures. And am I  
20 correct that they're situated to the side of  
21 the corridor or the forest edge, in accordance  
22 with landscape best management practices?

23 A. (DeWan) I don't know how the best management  
24 practices influences the position of these

[WITNESS PANEL: DeWan~Kimball]

1 structures within the corridor.

2 Q. Would you agree, sir, that the wooden  
3 structures are situated to the side of the  
4 corridor so that they are less visible?

5 A. (DeWan) They are situated off-center. I don't  
6 know if they would be more or less visible if  
7 they were located in any other part of the  
8 corridor.

9 Q. Would you agree, sir, that the wooden  
10 structures are approximately the same height as  
11 the forest edge?

12 A. (DeWan) I would say that's a fair assumption.

13 MS. CONNOR: Now, let's turn to the  
14 simulation, CFP 005153. Yes.

15 BY MS. CONNOR:

16 Q. Fair to say that the structures are now  
17 situated in the middle of the corridor?

18 A. (Kimball) Those structures -- the lattice  
19 structures are located in pretty much the same  
20 location as the wooden ones were located in,  
21 looking at the aerial photograph here. Maybe  
22 slightly more to the side, in fact. The wooden  
23 one was, I'm just looking at an aerial  
24 photograph of the line, the wooden one was

[WITNESS PANEL: DeWan~Kimball]

1 right in the middle of the existing corridor.  
2 And the monopole is to the left side, and the  
3 lattice structure is to the right side of where  
4 that was, based on the aerial that I'm looking  
5 at.

6 MS. CONNOR: So, if we switch back to  
7 the wooden one, like the one before. Sure.

8 BY MS. CONNOR:

9 Q. Okay. A little small, but the point that I was  
10 trying to make is that it certainly appears  
11 that, under the existing situation, the wooden  
12 poles are closer to the forest edge than the  
13 completed project is going to be in the bottom?

14 A. (Kimball) I would disagree. If you look at the  
15 rock outcrop that's just behind that wood  
16 structure, and you look at it in relation to  
17 the proposed structures in the bottom, using  
18 that as your frame of reference, those lattice  
19 structures are pretty close to where that's  
20 located. They certainly aren't any closer to  
21 the center of the corridor.

22 Q. What about the steel monopoles to the left of  
23 the lattice? They're further out, are they  
24 not?

[WITNESS PANEL: DeWan~Kimball]

1 A. (Kimball) They're further to the left.

2 A. (DeWan) Yes. They have to be separated by  
3 Safety Code.

4 Q. I'm not suggesting that they don't. What I'm  
5 simply trying to suggest is that, between the  
6 current and the proposed, we're going to get  
7 more into the middle of the corridor, are we  
8 not?

9 A. (Kimball) The current structure, based on the  
10 aerial photograph that I'm looking at, is in  
11 the center of those two proposed structures.  
12 So, I would disagree with that.

13 Q. Can we agree that the proposed metal structures  
14 are taller than the wooden ones that they're  
15 going to replace?

16 A. (DeWan) We can agree upon that.

17 Q. And can we agree that the lattice and monopoles  
18 designed for this crossing are not the  
19 weathered steel monopoles you identified in the  
20 visual effect?

21 A. (DeWan) I think that's a fair assumption. That  
22 may have been a typo on our part.

23 Q. And would you agree that certainly galvanized  
24 lattice and monopoles are more of a -- have

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 more of a visual impact than wood?

2 A. (DeWan) Than wood?

3 Q. Yes.

4 A. (DeWan) They will certainly exhibit more  
5 contrast in color and form and line than the  
6 existing wooden ones.

7 Q. Can we also -- okay. We've already talked  
8 about the height. The new ones are  
9 substantially higher than the old ones?

10 A. (DeWan) We agreed upon that.

11 Q. And the new ones are substantially higher than  
12 the existing forest edge?

13 A. (DeWan) That appears to be the case.

14 Q. Okay. And this is an overall low visual  
15 impact?

16 A. (DeWan) Now, remember, we're not rating the  
17 visual impact of a snapshot. We're talking  
18 about the overall effect on the Cohos Trail as  
19 an entity. This is one area where people see  
20 when they leave the single parking space on  
21 Percy Road, in Stark, and begin their trip into  
22 the Nash Stream Forest.

23 Q. Okay.

24 A. (DeWan) So, the overall effect on the Cohos

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Trail, 160 some odd miles, we feel is low.

2 Q. Talk about just one more photosim before we  
3 move on to mitigation.

4 MS. CONNOR: Can we pull up APP36090,  
5 from Applicant Exhibit 71-2? Correct.

6 BY MS. CONNOR:

7 Q. We are looking at Peaked Hill Road, in Bristol,  
8 New Hampshire, correct?

9 A. "Peaked Hill Road", as we understand.

10 Q. Thank you. And it's my understanding that  
11 Peaked Hill Road was not part of your initial  
12 submission, but, when you went back and you did  
13 some private property simulations, you included  
14 it, right?

15 A. (DeWan) We supplied this after we saw the new  
16 regulations, new rules, which required a  
17 representative series of photographs and  
18 photosimulations from private property views.

19 Q. Peaked Hill Road, in Bristol, New Hampshire, is  
20 a locally designated scenic road, correct?

21 A. (DeWan) I believe it is.

22 Q. I notice that, in the upper right-hand corner,  
23 you show a panoramic view of the road where the  
24 existing transmission corridor crosses Peaked

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Hill, right?

2 A. (DeWan) That's correct.

3 Q. But your photosimulations were taken from a  
4 different location, and I want to go to that.

5 MS. CONNOR: First, APP36091.

6 BY MS. CONNOR:

7 Q. You took this photosimulation of Peaked Hill  
8 Road, and that shows the existing conditions,  
9 correct?

10 A. (DeWan) Yes. It's meant to represent the view  
11 from the residential structure in the immediate  
12 foreground.

13 Q. And also the view from the publicly accessible  
14 road?

15 A. (DeWan) That is the view from Peaked Hill Road.

16 Q. And, unfortunately, the view of the  
17 transmission line is somewhat blocked by  
18 vegetation, right?

19 A. (DeWan) Which we felt was comparable to what  
20 somebody who was inside the house may see.

21 Q. And let's turn to your simulation, which is at  
22 36092. And, again, because of vegetation, we  
23 really can't see a whole lot, other than that  
24 the corridor is slightly enlarged, right?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) Well, you can also see the addition of  
2 the new structures.

3 Q. Okay.

4 MS. CONNOR: I now want to pull up  
5 Counsel for the Public Exhibit 138, CFP005155.

6 BY MS. CONNOR:

7 Q. You recognize this view as the same view you  
8 used at the introduction, where you showed the  
9 intersection of Peaked Hill Road?

10 A. (DeWan) It's not the same view. It's from a  
11 similar location.

12 Q. It shows the same right-of-way, does it not,  
13 sir?

14 A. (DeWan) It does.

15 MS. CONNOR: Okay. I want to now go  
16 to the photosimulation, CFP005156.

17 BY MS. CONNOR:

18 Q. Is it fair to say, sir, that at the location  
19 where this Project actually intersects with  
20 this locally designated scenic road in Bristol,  
21 there is no similar vegetation to obscure the  
22 view?

23 A. (DeWan) That's right. The aerial, immediately  
24 adjacent to the road is pretty much low shrubs

[WITNESS PANEL: DeWan~Kimball]

1 and scrub.

2 Q. In addition to the enlarged corridor, can you  
3 describe the different structures that are now  
4 going to be visible post-construction from  
5 Peaked Hill scenic drive?

6 A. (DeWan) There is one weathering steel monopole  
7 in the foreground. There are two, possibly  
8 three lattice structures approaching and going  
9 over the over side of the hill.

10 Q. How far above the treeline would the lattice at  
11 the top of the hill be?

12 A. (DeWan) I would only have to estimate that it's  
13 20 to 30 feet above it perhaps.

14 Q. What about the weathered steel structure in the  
15 foreground, do you know how tall that is?

16 A. (DeWan) I would have to check the engineering  
17 records.

18 Q. Substantially taller than the existing  
19 treeline?

20 A. (DeWan) Again, I would have to determine -- I'd  
21 have to find out what the actual height of that  
22 structure is.

23 Q. And, because this is only a locally designated  
24 scenic drive, which would have, in your view,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 low cultural value, you didn't assess the  
2 impact of this change, right?

3 A. (DeWan) We did another evaluation of Peaked  
4 Hill Road further around the corner. We  
5 actually did two from Peaked Hill Road. We did  
6 not do one at this location.

7 Q. The one that we did the photosimulation of is  
8 obscured by vegetation, but this one is not,  
9 correct?

10 A. (DeWan) We also did another one about a half a  
11 mile down the road that, again, shows the  
12 effect of the transmission corridor from a  
13 highly scenic portion of Peaked Hill Road.

14 Q. I'm going to move on to mitigation. What do  
15 the VIA rules require in terms of mitigation  
16 plans?

17 A. (DeWan) I'm sorry. Could you repeat that  
18 question? What do the VIA rules --

19 Q. Right. Tell you what, am I correct that, under  
20 Site Rule 301 --

21 *[Court reporter interruption.]*

22 BY MS. CONNOR:

23 Q. Site Rule 301.05(b)(10), which actually we can  
24 pull up.

[WITNESS PANEL: DeWan~Kimball]

1 MS. CONNOR: It's CFP003944. Maybe  
2 we can pull it up? There we go. You can zoom  
3 in on (10).

4 BY MS. CONNOR:

5 Q. The VIA is to include a description of the  
6 measures planned to avoid, minimize, or  
7 mitigate potential adverse effects of the  
8 proposed facility, as well as any alternate  
9 measures considered but rejected by the  
10 applicant.

11 So, to summarize, the VIA needs to include  
12 both proposed, as well as rejected, mitigation  
13 plans, right?

14 A. (DeWan) That's correct.

15 Q. And if we pull up, from your methodology,  
16 APP14324, which is at M-16 in your report,  
17 right under "Mitigation", you identify some of  
18 the various methods by which mitigation can  
19 occur, right?

20 A. (DeWan) That's absolutely correct.

21 Q. Burial, collocating, matching structures,  
22 maintaining and/or restoring vegetation at  
23 crossing, and planting vegetation.

24 Which of these mitigation techniques is

[WITNESS PANEL: DeWan~Kimball]

1 most effective?

2 A. (DeWan) There's no universal answer to that  
3 question, because it's site-specific.

4 Q. And we know that Eversource proposes to bury  
5 the line for approximately 52 miles between  
6 Bethlehem and Bridgewater. Why is that?

7 A. (DeWan) Our understanding, the main reason that  
8 it's being buried in that location is to avoid  
9 going through White Mountain National Forest.

10 Q. Were you involved in the decision to put the  
11 Project underground through that area?

12 A. (DeWan) We were not.

13 Q. Were you involved or did you -- let me rephrase  
14 that. Your plan does not include any  
15 representation that the Applicant considered  
16 and rejected burial at any other site, does it?

17 A. (DeWan) Well, the Project is buried at two  
18 other sites, as you know.

19 Q. I'm sorry. Outside of where it is buried,  
20 there is no representation of a mitigation  
21 proposal to bury additional areas that was  
22 rejected, right?

23 A. (DeWan) There are no other locations that were  
24 considered, other than those three areas that

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 we've already discussed.

2 Q. Okay. And because, if the Applicant had  
3 thought about burying it at some other location  
4 and had rejected that proposal, that would need  
5 to be in your VIA, because your VIA has to  
6 include rejected mitigation measures, as well  
7 as planned mitigation measures?

8 A. (DeWan) That's my understanding.

9 Q. Can you explain to this panel what the  
10 explanation was for justifying burial at the  
11 locations that were identified, but not at  
12 others?

13 A. (DeWan) Probably not. That's a decision that's  
14 based upon many, many factors. They're  
15 certainly outside of our area of involvement in  
16 the Project.

17 MS. CONNOR: Can we pull up APP14761?

18 BY MS. CONNOR:

19 Q. And this is a summary from your report of the  
20 mitigation measures taken on the Project,  
21 right?

22 A. (DeWan) That's right. This is part of our  
23 original report, presented in Appendix B.

24 Q. And if we go down under "Mitigation Measures",

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 can you sort of pull that up so we can read it?

2 Perfect. You identified in your summary

3 three -- well, four types of mitigation:

4 Putting it underground, then the structural

5 type, vegetation, which you describe as

6 "maintaining the existing vegetation at river

7 crossings where possible", right, and then

8 collocation?

9 A. (DeWan) When this was written that was how we  
10 described the mitigation measures that were  
11 being considered.

12 Q. And those are the only mitigation measures  
13 identified, right?

14 A. (DeWan) No.

15 Q. Okay. And, if we look at your summary in  
16 Appendix B, there are seven areas where you are  
17 proposing to maintain the existing vegetation,  
18 right?

19 A. (DeWan) Could you point one of those out  
20 please?

21 Q. Sure.

22 A. (DeWan) I'm having a hard time reading the fine  
23 print here.

24 MS. CONNOR: Can we pull up -- blow

[WITNESS PANEL: DeWan~Kimball]

1 up number 23, in Stark.

2 BY MS. CONNOR:

3 Q. See "vegetation"?

4 A. (DeWan) Yes.

5 Q. Which you've defined as "maintaining the  
6 existing vegetation", right?

7 A. (DeWan) This is along the Upper Ammonoosuc  
8 River.

9 Q. Right.

10 MS. CONNOR: Can we blow up just the  
11 chart without -- that's a way to do it. We'll  
12 start with Subarea 1.

13 BY MS. CONNOR:

14 Q. Subarea 1, mitigation measure identified as  
15 primarily "structure type", correct?

16 A. (DeWan) That appears quite a few times in that  
17 column called "Mitigation Measures".

18 Q. And we have a few "underground", and we have  
19 one "vegetation", in terms of maintaining the  
20 existing vegetation.

21 Let's go to Subarea 2. Again, we have a  
22 couple with "underground", some with  
23 "structure" -- and the rest, one with  
24 "vegetation", then the others with "structure

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 types", right?

2 A. (DeWan) That's correct.

3 Q. And, then, the last column, which includes  
4 Subarea 4, 5, and 6. Again, "structure type",  
5 "maintaining existing vegetation", or "not  
6 applicable", right?

7 A. (DeWan) That is correct.

8 Q. So, collocation was not considered and rejected  
9 at any of these locations, right?

10 A. (DeWan) Collocation is an overall mitigation  
11 measure that's applied, for the most part,  
12 throughout the Project where we're sharing the  
13 existing corridor.

14 Q. Collocation within an existing line was not  
15 considered, was it? Considered and rejected?

16 A. (DeWan) I'm sorry. Collocation within the  
17 existing corridor is considered a mitigation  
18 measure throughout the majority of the Project.

19 Q. For example, if we go back to Big Dummer Pond,  
20 there is an existing transmission line, is  
21 there not?

22 A. (DeWan) You're talking about outside of the  
23 existing corridor.

24 Q. Outside of Eversource's existing corridor,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 correct. Collocating within another existing  
2 corridor. That wasn't considered at Big  
3 Dummer, was it?

4 A. (DeWan) At the time that this was written, it  
5 was not.

6 Q. No collation -- collocation, other than being  
7 in the same right-of-way was considered and  
8 rejected, right?

9 A. (DeWan) It may have been considered and  
10 rejected before we got involved with it.  
11 Remember, this Project has a fairly lengthy  
12 history.

13 Q. I understand that. But I thought we covered in  
14 the rules that your mitigation summary is to  
15 identify any rejected mitigation measures, and  
16 there are no others listed?

17 A. (DeWan) These are the ones that, you know, we  
18 were part of the discussion on.

19 Q. Okay. According to your mitigation summary,  
20 does this mean that the Applicant has no plans  
21 to plant any new vegetation at any scenic  
22 resource, because it's not on this plan?

23 A. (DeWan) Again, this is the initial Visual  
24 Impact Assessment. And I believe that the

[WITNESS PANEL: DeWan~Kimball]

1 current position of the Applicant is to, you  
2 know, work with underlying landowners, and,  
3 where necessary, to evaluate the potential to  
4 plant additional vegetation in those areas that  
5 are deemed to be necessary, as long as it does  
6 not interfere with the underlying landowner's  
7 current use of the property. I believe the  
8 Committee heard me Mr. Bowes testify to that  
9 effect.

10 Q. That there is going to be a proposal to perhaps  
11 attempt to mitigate by making vegetation  
12 decisions in the field? Is that what you're  
13 referring to?

14 A. (DeWan) Well, in the field, and certainly prior  
15 to that. And I think, you know, I don't think  
16 "in the field" is the right way to characterize  
17 it. But it's our understanding that the  
18 Applicant is willing to evaluate the potential  
19 for mitigation measures involving vegetation on  
20 a case-by-case basis.

21 Q. But, in terms of the Project, which we have on  
22 paper in front of us today on which the panel  
23 needs to make a decision, there is no proposal  
24 for any new vegetation plantings, are there?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (Kimball) On this summary, that wasn't included  
2 as an overall mitigation effort. But, if you  
3 look throughout our report, we identify  
4 planting at a number of scenic resources. And  
5 I've just looked at Subarea 1, and we have it  
6 in five different locations where we call out  
7 planting as a mitigation effort to be used on a  
8 site-by-site basis, as Terry said, pending  
9 permission from the underlying landowner.

10 Q. Well, as we sit here today, we don't know that  
11 any of those vegetation methods -- plantings  
12 are actually going to occur, do we?

13 MR. NEEDLEMAN: Objection. Mr. Bowes  
14 actually testified to this issue. It's in the  
15 record.

16 CHAIRMAN HONIGBERG: Ms. Connor.

17 BY MS. CONNOR:

18 Q. If there were going to be new plantings, why  
19 aren't they in your mitigation report?

20 A. (Kimball) They are, in the first section of the  
21 report that you showed on the screen. Earlier  
22 on M-16, I think might have been the page,  
23 plantings were called out there.

24 Q. Well, as I understand it, and we can pull that

[WITNESS PANEL: DeWan~Kimball]

1 page back up, that was referenced just as a  
2 general mitigation measure, not a proposal. Am  
3 I correct?

4 A. (Kimball) Correct, in that section. However,  
5 in our supplemental prefiled testimony, I  
6 believe we list a number of mitigation measures  
7 that were considered and rejected.

8 Q. You didn't amend Appendix B, did you?

9 A. (Kimball) No. But we added that section in our  
10 supplemental report. So, it's included in the  
11 filing.

12 MS. CONNOR: Can we pull up Counsel  
13 for the Public Exhibit 451?

14 BY MS. CONNOR:

15 Q. Mr. DeWan, is this a Roadside Visual Buffer  
16 Report you did in conjunction with the Central  
17 Maine Power Project in May of 2009?

18 A. (DeWan) It is.

19 Q. And am I correct, in that report you identified  
20 a number of visual impacts that might arise  
21 from the development of that particular  
22 project, right?

23 A. (DeWan) We identified a number of places where  
24 the DEP had asked -- the Department of

[WITNESS PANEL: DeWan~Kimball]

1 Environmental Protection had asked us to look  
2 at and make a determination of whether or not  
3 it would be appropriate to establish vegetation  
4 as a visual buffer.

5 MS. CONNOR: Can we pull up Page 14  
6 of this, which is actually CFP012844?  
7 Significant change, that little paragraph of  
8 bullets, the three bullets, actually. Great.

9 BY MS. CONNOR:

10 Q. And in this report, you note that a significant  
11 change results when you expand the cleared  
12 corridor by more than 150 feet or you replace a  
13 35-foot tall pole with a 75-foot tall H-frame  
14 structure or you develop a new transmission  
15 line in a wooded landscape. Right?

16 A. (DeWan) This is the result of a rather lengthy  
17 analysis that we did for Central Maine Power  
18 Company as part of the evaluation of the MPRP  
19 Project in preparation for a Site Location and  
20 Development Permit before the DEP. So, this is  
21 very specific to that specific project.

22 Q. How many scenic resources are being impacted by  
23 Northern Pass with an expanded corridor of  
24 150 feet?

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) I don't believe there's any.

2 Q. How many scenic resources are being impacted  
3 with structures, the kind identified under  
4 "significant change", going from 75 to at least  
5 100, to the size of a 345 kV transmission line?

6 A. (DeWan) I can't answer that question without  
7 looking at the specifics of what you're asking  
8 for.

9 Q. Well, that doubling in size occurs when we go  
10 to the monopoles that we looked at, right?  
11 You're shaking your head "yes", is that  
12 correct?

13 A. (DeWan) In some places, yes.

14 Q. And that doubling in size occurs when we  
15 replace a wooden pole with one of the lattice  
16 structures?

17 A. (DeWan) In some locations, yes.

18 Q. So, in terms of Maine, as we know earlier, it  
19 appears that would result in a significant  
20 change for which you're going to make a  
21 proposal of vegetation mitigation, right?

22 A. (DeWan) Not always. Again, it was quite  
23 site-specific when we looked at where  
24 mitigation measures would be applied. We

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 looked at hundreds of road crossings, and we  
2 came up with a handful of places where  
3 mitigation measures were required.

4 Q. What is a "moderate change" as defined by you  
5 in this report?

6 A. (DeWan) To read it? "A moderate change may  
7 result from expanding the existing cleared  
8 transmission corridor by 50 to 150 feet or by  
9 replacing a 45-foot tall H-frame transmission  
10 structure with a 75-foot tall H-frame  
11 transmission structure."

12 Q. Is it fair to say that, under that definition,  
13 all of the structures in this Project result --  
14 are at least a moderate change, because they're  
15 all going to be at least 75-foot tall?

16 A. (DeWan) It depends on where you are standing  
17 relative to the corridor.

18 Q. It's my understanding then, using these  
19 definitions for either moderate or strong  
20 visual impacts due to transmission lines and  
21 structures, you designed a vegetation buffer  
22 evaluation form, right?

23 A. (DeWan) We only -- we only proposed the  
24 vegetative buffer where the quality of the



[WITNESS PANEL: DeWan~Kimball]

1 existing visual environment was at a certain  
2 level, and the amount of change was also at a  
3 certain point. We did a very complex matrix to  
4 establish where the changes would be seen from.

5 MS. CONNOR: Can we pull up Page 23  
6 of this report, which is CFP012853?

7 WITNESS KIMBALL: Do you mind if we  
8 take a quick bio break?

9 CHAIRMAN HONIGBERG: Not at all. We  
10 will break for ten minutes.

11 WITNESS KIMBALL: Thank you. Sorry.

12 WITNESS DeWAN: Thank you.

13 (Recess taken at 4:00 p.m.  
14 and the hearing resumed at  
15 4:08 p.m.)

16 CHAIRMAN HONIGBERG: Ms. Connor, you  
17 have the microphone.

18 MS. CONNOR: Thank you. Sandy, can  
19 we go to Page CFP0012843? Oh, you're already  
20 there. You read my mind.

21 BY MS. CONNOR:

22 Q. Mr. DeWan, do you recognize this as being the  
23 buffer evaluation form that you used in this  
24 Maine report?

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) That's part of it. It's not the entire  
2 evaluation form, as I recall.

3 Q. Well, it does not go on to Page 14. But let's  
4 just sort of take a brief look at this. As I  
5 understand it, in trying to make a  
6 determination as to whether a buffer should be  
7 required, you look at the number of viewers,  
8 you look at the degree of visible change to  
9 existing conditions. And that was a little bit  
10 that we were just talking about, where you've  
11 got definitions for "minor", "moderate", and  
12 "significant", right? That's under  
13 Subsection B?

14 A. (DeWan) That's right. This is, again, specific  
15 to the MPRP Project.

16 Q. I understand that. And, with respect to that  
17 project, you defined the types of changes that  
18 are going to occur here as either being  
19 "moderate" or "significant", right?

20 A. (DeWan) I believe so.

21 Q. And, then, "Length of Exposure", you go from an  
22 exposure of less than three seconds, up to a  
23 maximum of eight seconds, right?

24 A. (DeWan) That's correct.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. And I'm assuming that the greater exposure,  
2 eight seconds or more, generates more points  
3 and more of a need for mitigation through  
4 visual buffer, right?

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

6 Q. And, in this case, am I correct that all of the  
7 exposures you were talking about are greater  
8 than eight seconds?

9 A. (DeWan) I'm sorry, all of the what?

10 Q. Exposures of the public to the various  
11 structures, even when they're driving by, folks  
12 are going to be seeing these structures for  
13 more than eight seconds, right?

14 A. (DeWan) Not necessarily. There are some places  
15 where there is existing vegetation, which would  
16 limit the view.

17 Q. Okay. Well, in all areas where the structures  
18 are visible. We were talking before about  
19 whether the visual effect was high, because  
20 they were only going to see it, I thought your  
21 number was "45 seconds"?

22 A. (DeWan) In some places, in MPRP, there was  
23 existing vegetation on either side of the road,  
24 which would limit the view.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. Okay. But I'm not asking about where you can't  
2 see it. But where you can see it, wouldn't you  
3 agree that the structures in this Project are  
4 going to be visible for more than eight  
5 seconds?

6 A. (DeWan) "In this Project", meaning Northern  
7 Pass?

8 Q. Yes.

9 A. (DeWan) I would say that's probably correct, in  
10 many locations.

11 Q. Okay. And, so, under this buffer form, because  
12 it's going to be a greater than an eight second  
13 impact, we would be on a higher need for having  
14 buffer. And, then again, if existing screening  
15 is to be removed, there's more of a need for  
16 vegetation, right, under Subsection D?

17 A. (DeWan) In some situations, yes. That was one  
18 of the factors that we looked at.

19 Q. And, in this case, for example, we looked at  
20 one of the Pemi crossings where, in the  
21 photosimulation, virtually all of the riverside  
22 vegetation had been cleared for the structures?

23 A. (DeWan) That was the worst case scenario. And  
24 I believe that one of the mitigation measures

[WITNESS PANEL: DeWan~Kimball]

1 we talked about there was to preserve riparian  
2 vegetation that would be visible from the water  
3 surface.

4 Q. That doesn't appear in Appendix B as a plan  
5 that's actually been committed to paper, does  
6 it?

7 A. (Kimball) It appears in our -- it appears in  
8 our report when we talk about the impact on the  
9 Pemigewasset River.

10 Q. There are also other road crossings where  
11 vegetation is going to be lost, right?

12 A. (DeWan) There is vegetation being lost in many  
13 of the road crossings.

14 Q. Okay. Under Subsection E, "Corridor  
15 Alignment", there needs to be a buffer under  
16 this plan that you developed when there's an  
17 "abrupt change in alignment within three  
18 structures"?

19 A. (DeWan) No. This is -- you're jumping to the  
20 conclusion here. This is part of the  
21 evaluation process.

22 Q. Okay.

23 A. (DeWan) This is the way of accumulating points,  
24 which then leads to a determination of the

1 significance of the effect.

2 Q. In this case, Northern Pass, you did not  
3 evaluate or complete a buffer evaluation form  
4 as a mitigation measure at any of the 73 scenic  
5 resources, did you?

6 A. (DeWan) We evaluated the potential need for  
7 vegetation in quite a few of the resources. I  
8 don't have the exact number, if it's 10 to 12  
9 locations, that we identified that would be  
10 recommended to have vegetation buffering,  
11 assuming we can get permission from the  
12 underlying landowners.

13 Q. You didn't complete a buffer evaluation form of  
14 the type that you are familiar with on any of  
15 the 73 scenic resources potentially impacted by  
16 this Project, did you?

17 A. (DeWan) No. It was not required under the SEC  
18 rules.

19 Q. And, instead, in terms of mitigation, you refer  
20 to "structure type" and "maintaining existing  
21 vegetation"?

22 A. (Kimball) We refer to "planting" in our list of  
23 mitigation measures. That's a summary table  
24 that looks at the overall impacts at each of

[WITNESS PANEL: DeWan~Kimball]

1 the sites and a list of broad-stroke mitigation  
2 measures. But a more comprehensive list is  
3 included elsewhere in our report.

4 Q. Have you made -- and yet we've talked about  
5 that. You still need landowner permission, and  
6 you don't have any commitments in terms of any  
7 affirmative vegetation mitigation plan?

8 A. (DeWan) That's a question to be addressed by  
9 the Applicant.

10 Q. Okay. Well, isn't it, in fact, part of the VIA  
11 that you're supposed to provide to this panel,  
12 so they know what vegetation mitigation  
13 measures are going to be undertaken?

14 A. (DeWan) I believe we've heard a commitment from  
15 Ken Bowes that, with input from the Committee,  
16 that they're very willing to advance that  
17 discussion with underlying landowners, where  
18 mitigation measures involving vegetation may be  
19 warranted.

20 Q. Am I correct, sir, that Site Rule 301.05(b)(10)  
21 requires you to describe for this panel all  
22 mitigation measures considered and/or rejected?

23 A. (DeWan) I believe we did.

24 Q. And we don't have affirmative vegetative --

[WITNESS PANEL: DeWan~Kimball]

1 vegetation mitigation plans, do we?

2 MR. NEEDLEMAN: Objection. Asked and  
3 answered.

4 CHAIRMAN HONIGBERG: Ms. Connor.

5 MS. CONNOR: Let me rephrase the  
6 question.

7 BY MS. CONNOR:

8 Q. Do we have any vegetation -- affirmative  
9 vegetation mitigation plans?

10 A. (DeWan) I believe we have an affirmative  
11 commitment on the part of the Applicant to work  
12 with underlying landowners.

13 Q. A commitment, but no plans, correct?

14 A. (DeWan) At this point, we've provided what's  
15 required by the SEC. There's no drawings which  
16 show where vegetation may be.

17 MS. CONNOR: I'm going to rest.

18 CHAIRMAN HONIGBERG: All right. I  
19 understand that Mr. Plouffe is going to go  
20 next.

21 MR. PLOUFFE: May I proceed?

22 CHAIRMAN HONIGBERG: You may.

23 MR. PLOUFFE: Thank you. Well, for  
24 the record, my name is Bill Plouffe, attorney



[WITNESS PANEL: DeWan~Kimball]

1 representing the Appalachian Mountain Club.  
2 And I am a part of the NGO group. And a number  
3 of areas that I intended to cover have been  
4 covered by Ms. Connor, including some questions  
5 about specific sites. So, I won't be asking  
6 those, and hopefully we can abbreviate the  
7 questioning.

8 BY MR. PLOUFFE:

9 Q. So, Mr. DeWan, when was Terry DeWan &  
10 Associates hired to conduct this visual  
11 assessment?

12 A. (DeWan) I believe it was the first part of the  
13 year 2014.

14 Q. Well, thinking back to our technical session,  
15 and I thought you told me it was the Fall or  
16 early Winter of 2013?

17 A. (DeWan) I'll give you -- we actually submitted  
18 a proposal for our work in June of 2014. We  
19 had initial meetings with the attorneys in  
20 January of 2014.

21 Q. Okay. So, it was --

22 A. (DeWan) It was around Christmastime of  
23 2013-2014, that season.

24 Q. Okay. And, when you came on board as part of

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 the Northern Pass team, you were given the  
2 proposed route for the transmission line by  
3 Northern Pass, is that correct?

4 A. (DeWan) That is correct.

5 Q. And am I correct that you did not have a role  
6 in the route selection before it was given to  
7 you?

8 A. (DeWan) That is correct.

9 Q. Am I further correct that your engagement did  
10 not include suggesting changes to the route?

11 A. (DeWan) Macro changes, no. By that, I mean  
12 there a few places where we said, you know,  
13 maybe we could move a pole here or do  
14 relatively minor things there, but --

15 Q. Generally speaking?

16 A. (DeWan) General speaking.

17 Q. You were not engaged to suggest changes to  
18 route, it had already been selected?

19 A. (DeWan) That's right. As you know, it's a very  
20 complex process, involving a lot of other  
21 professionals.

22 Q. But you're the visual impact assessment  
23 professional, you're the landscape architect.  
24 Didn't you consider it odd that you weren't

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 contacted earlier on in the planning process?

2 A. (DeWan) No. Because we've done so many of  
3 these in the past, it's very typical for the  
4 visual people to be called in after the  
5 engineers, the wetland scientists, everybody  
6 else down the line has a chance to evaluate  
7 what may be a number of different alternative  
8 routes, and then to come up with one preferred  
9 option, and the visual people usually get  
10 involved at that point.

11 Q. You have another route where, supposing you had  
12 done your initial assessment of this route that  
13 was given to you, and you found that there were  
14 unreasonable or undue adverse impacts in  
15 certain areas. And assume that it was  
16 technically possible to change the route,  
17 couldn't you have made those suggestions?

18 A. (DeWan) Well, that's a hypothetical. And,  
19 again, we're looking at unreasonableness in  
20 terms of the overall Project, not specific  
21 sections.

22 Q. What do you think would have happened --

23 A. (DeWan) We may have found -- I'm sorry. We may  
24 have found places where the visual impact may

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 have been rated as a "high". Maybe that's what  
2 you meant to ask.

3 Q. Well, let me ask -- let me ask you actually a  
4 larger question. What do you think was going  
5 to happen if you found that the Project was  
6 creating an unreasonable adverse effect on  
7 aesthetics, and you couldn't recommend a change  
8 to the route?

9 A. (DeWan) We would make that finding known to our  
10 client.

11 Q. Did your engagement also not include  
12 recommendations on burial?

13 A. (DeWan) We made recommendations -- well, we did  
14 an evaluation of the buried portions of the  
15 line. So, that is a fact. We did an  
16 evaluation. When the announcement was made  
17 that they were considering putting the line  
18 underground, we did an evaluation of what  
19 effect that would have.

20 Q. But that was not part of your engagement to  
21 recommend that to Northern Pass. They came to  
22 you with that proposal and you evaluated it?

23 A. (DeWan) That is correct.

24 Q. So, when did you begin your fieldwork for the

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

1 VIA?

2 A. (DeWan) April 21st to the 23rd, 2014 is when I  
3 see the very first time we set out into the  
4 field.

5 Q. So, you were hired on board maybe January 2014,  
6 something like that, and you began your  
7 fieldwork in April of 2014?

8 A. (DeWan) That is correct.

9 Q. Who in your firm conducted the fieldwork?

10 A. (DeWan) Primarily, myself and Jessica Kimball.

11 Q. And I recall from the tech session, there was  
12 also a gentleman, David Truesdell, who was  
13 involved?

14 A. (DeWan) He did some field evaluation. Amy  
15 Segel did some evaluation. We had some other  
16 people that were summer interns that evaluated  
17 it, that went with us on some of the fieldwork.  
18 But the two of us did the primary, the bulk of  
19 the work.

20 Q. And what role did each of the two of you, and  
21 Mr. Truesdell, if he did a significant part of  
22 the work? And I thought that you told me that  
23 he visited about half the sites with you?

24 Well, if not, just say so, if that's not the

1 case.

2 A. (DeWan) "Half" is such an exact number. I  
3 would say he did a couple of days' worth of  
4 fieldwork with us.

5 Q. Out of how many days?

6 A. (DeWan) Well, we did -- we've probably done  
7 several weeks' worth of fieldwork.

8 Q. And he did --

9 A. (DeWan) No, no, no. Jessica and I did, total.  
10 In terms of addressing the first part of your  
11 question, what are our responsibilities for the  
12 fieldwork?

13 Q. Yes.

14 A. (DeWan) The two of us would decide where to go,  
15 looking at our visibility maps, looking at the  
16 maps of potential scenic resources. We would  
17 lay out a route to travel, to make it as  
18 efficient as possible to travel those places.  
19 We would determine where we had to go within  
20 the identified potential scenic resources. We  
21 would then drive. I was the primary  
22 photographer, Jessica was the primary  
23 note-taker. I would typically dictate  
24 observations. We would discuss the Project and

[WITNESS PANEL: DeWan~Kimball]

1 the potential -- and the existing conditions.

2 We would usually discuss potential effects when

3 we're at a scenic resource. And that was how

4 we conducted our fieldwork.

5 Q. So, Mr. DeWan, your resumé does not show any  
6 project experience in New Hampshire. What, if  
7 any, visual impact assessments have you  
8 conducted in New Hampshire prior to Northern  
9 Pass?

10 A. (DeWan) To the extent that the Kancamagus  
11 Scenic Highway involved visual impact  
12 assessment, and we worked on that project for  
13 three years for the White Mountain National  
14 Forest.

15 Q. How long ago was that?

16 A. (DeWan) Would be the mid 1990s, I believe. We  
17 did the Interpretive Facilities and --  
18 Interpretive and Facilities Plan for the  
19 Kancamagus Highway. We also did some work for  
20 a transmission line in Portsmouth. We also did  
21 some work --

22 Q. Could you, before you go on, what is the work  
23 for a transmission line in Portsmouth?

24 A. (DeWan) I'm sorry. I don't have the exact name

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 of the project. It was in the industrial  
2 waterfront area of Portsmouth.

3 Q. How long was that transmission line?

4 A. (DeWan) How many miles or --

5 Q. Yes.

6 A. (DeWan) -- or how long did it take?

7 Q. No. How many miles?

8 A. (DeWan) I would say a mile and a half or two.

9 Q. Okay.

10 A. (DeWan) Public Service of New Hampshire I  
11 believe is who we did that one for. We also  
12 did --

13 Q. And was that a visual impact assessment?

14 A. (DeWan) It was a visual impact assessment. We  
15 also did a VIA for a wood-fired generation  
16 plant for PSNH in that same general area.

17 Q. In the industrial area of Portsmouth, is that  
18 what you're saying?

19 A. (DeWan) Yes.

20 Q. The same general area?

21 A. (DeWan) Yes.

22 Q. And that was a visual impact assessment?

23 A. (DeWan) It was, involving an evaluation of the  
24 effects of putting this facility in a location,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 doing photosimulations and so forth.

2 Q. Okay. And, so, those are the three projects  
3 that you had prior to Northern Pass, in New  
4 Hampshire?

5 A. (DeWan) Those are the ones that come to my mind  
6 right now.

7 Q. Okay.

8 A. (DeWan) And there may be more.

9 Q. Ms. Kimball, your resumé indicates that you  
10 graduated from Dalhousie University in 2007  
11 with a degree in Community Design.

12 A. (Kimball) Correct.

13 Q. Dalhousie is in Nova Scotia, is that correct?

14 A. (Kimball) Correct.

15 Q. And, after Dalhousie, you worked as an  
16 Assistant Town Planner for the Town of Old  
17 Orchard Beach, Maine, from 2007 until 2010?

18 A. (Kimball) Correct.

19 Q. And, as the name of the town implies, that's --  
20 Old Orchard Beach is on the Maine Coast,  
21 correct?

22 A. (Kimball) Correct.

23 Q. I'm sure that some people in the room have had  
24 a good time at Old Orchard Beach on occasion.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

1 A. (DeWan) No comment.

2 (Laughter.)

3 BY MR. PLOUFFE:

4 Q. Did you conduct any VIAs or participate in  
5 developing VIAs when you were the town planner?

6 A. (Kimball) No.

7 Q. So, after Old Orchard Beach, you went to your  
8 graduate school at the University of Toronto,  
9 where you earned a Master's degree in Landscape  
10 Architecture in 2013, and your Master's thesis  
11 was on "Adaptive Design Strategies to Deal with  
12 the Effects of Climate Change and Rising Sea  
13 Levels of Portland, Maine's Commercial  
14 Waterfront", is that correct?

15 A. (Kimball) That's correct.

16 Q. And then you worked at Sasaki Associates, in  
17 Watertown, Massachusetts, for about one year as  
18 a landscape designer?

19 A. (Kimball) Correct.

20 Q. And what did your job entail at Sasaki, and  
21 specifically did you participate in developing  
22 VIAs?

23 A. (Kimball) I was involved in a variety of  
24 projects, from campus master planning to site

[WITNESS PANEL: DeWan~Kimball]

1 design. No technical VIA work, but a number of  
2 the campus work that I was involved with looked  
3 at the effects of different landscape  
4 strategies on the campus. So, looking at  
5 different techniques and built works and what  
6 their effects might be.

7 Q. Did you work with any projects in New Hampshire  
8 while you were at Sasaki?

9 A. (Kimball) Not while I was at Sasaki.

10 Q. And you joined Terrence DeWan & Associates in  
11 2014, according to your resumé. What month did  
12 you start at DeWan?

13 A. (Kimball) July of 2014.

14 Q. Is it fair to say that, prior to the Northern  
15 Pass Project, you had no experience working on  
16 New Hampshire projects?

17 A. (Kimball) I have worked on, prior to the  
18 submission of Northern Pass, I worked on a  
19 talc mine project --

20 *[Court reporter interruption.]*

21 BY MR. PLOUFFE:

22 Q. I'm sorry.

23 A. (Kimball) Talc mine. That was in Vermont. No,  
24 this is my only project in VIA work in New

[WITNESS PANEL: DeWan~Kimball]

1 Hampshire.

2 Q. Is it fair to say that your work with DeWan and  
3 Northern Pass is your first VIA?

4 A. (Kimball) No. The Project in Vermont would  
5 have been my first VIA.

6 Q. And that was with DeWan & Associates?

7 A. (Kimball) DeWan.

8 Q. And what was that project?

9 A. (Kimball) It was looking at the impacts of the  
10 mining of a talc mine in Vermont.

11 Q. Where in Vermont was that?

12 A. (Kimball) Argonaut? Ludlow? Ludlow, Vermont.

13 Q. Ludlow. So, when you went to work with DeWan &  
14 Associates, did you jump right into the  
15 Northern Pass Project?

16 A. (Kimball) Yes.

17 Q. Mr. DeWan, I noticed on your website that  
18 Mr. Truesdell also joined your firm in 2014,  
19 after working at Sasaki, in Boston, or  
20 Watertown?

21 A. (DeWan) That is correct.

22 Q. When did he start at your firm?

23 A. (Kimball) October of 2014.

24 Q. And what experience did he have in preparing

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 VIAs before he came to DeWan & Associates?

2 A. (DeWan) I don't believe he had any substantial  
3 experience. He worked with Sasaki Associates  
4 for ten years, primarily doing master planning  
5 and detailed design work for a number of urban  
6 design and waterfront projects throughout the  
7 United States.

8 Q. So, urban and waterfront projects are mostly  
9 what he did for Sasaki?

10 A. (DeWan) Yes.

11 Q. So, did you -- so, on January of 2014, you are  
12 engaged on the Northern Pass Project. And  
13 shortly thereafter, Ms. Kimball was hired and  
14 Mr. Truesdell was hired. Did you kind of  
15 expand your employee base to work on the  
16 Northern Pass Project? So, they jumped right  
17 in on this?

18 A. (DeWan) That was one of the reasons that we  
19 brought Ms. Kimball on, yes.

20 MR. PLOUFFE: Sorry, Mr. Chairman.  
21 I'm just skipping over a number of my questions  
22 here, based on they already having been  
23 covered.

24 BY MR. PLOUFFE:

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. When you were doing the visual impact  
2 assessment, did you consult with Cherilyn  
3 Widell on cultural resource values?

4 A. (Kimball) We did communicate with the historic  
5 consultants at the Preservation Company and  
6 Cherilyn Widell.

7 Q. So, what was the extent of that consultation?

8 A. (Kimball) We worked with them on a variety of  
9 topics. One being the viewshed mapping. We  
10 produced that for them and explained to them  
11 the process and how it worked. We worked with  
12 them on 3-D modeling. They came to our office  
13 for a day or two, and we educated them in the  
14 use of 3-D modeling and Google Earth.

15 We also collaborated with them on a  
16 variety of different sites where there was  
17 overlap of the public historic sites, such as  
18 the Weeks Estate or Webster Farm.

19 Q. Did you seek advice from them on which sites  
20 that were of concern to you had cultural value?

21 A. (Kimball) We didn't work with them on the  
22 cultural value issue, primarily the historic  
23 issue or topic.

24 Q. Does Terrence DeWan & Associates have any

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 special expertise in cultural values?

2 A. (DeWan) Could you please define what you mean  
3 by "cultural value"?

4 Q. "Cultural values", as you used it in your VIA.

5 A. (DeWan) When we use the term "cultural values"  
6 or "cultural resources", we reference the SEC  
7 rules, where it --

8 Q. Right.

9 A. (DeWan) -- where it talks about "natural or  
10 cultural landscapes". "Cultural landscapes",  
11 to us, essentially means landscapes that are  
12 not totally natural. Those that show the  
13 effects of the hand of man on their development  
14 patterns.

15 Q. And you rated those, as part of your VIA  
16 process?

17 A. (DeWan) Well, as part of the VIA process, we  
18 rated what we saw. Some landscapes were almost  
19 totally natural, some of them were almost  
20 totally manmade.

21 Q. And, so, those are your opinions, not those of  
22 Cherilyn Widell or the Preservation Company?

23 A. (DeWan) Absolutely.

24 Q. And what is your background in rating cultural

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 landscapes that have manmade elements to them?

2 A. (DeWan) Could you repeat that please.

3 Q. What expertise do you have that qualifies you  
4 to assign values to cultural landscapes that  
5 have manmade elements in them?

6 A. (DeWan) Certainly, all the work that we have  
7 done for wind power over the last 20 some odd  
8 years looks at the effects of putting  
9 large-scale additions onto the landscape, to  
10 the extent that that's a cultural feature in  
11 the landscape, that also considers what other  
12 sort of development patterns that are in the  
13 landscape. You know, we probably have 30 years  
14 of experience in doing visual impact  
15 assessment.

16 Q. I understand. I'm asking specifically about  
17 cultural landscapes, but I'll just leave it at  
18 that.

19 So, this brings me back to the fieldwork  
20 that we discussed earlier, where you and Ms.  
21 Kimball took photos and wrote notes on the  
22 various identified sites. And Mr. Truesdell  
23 joined you in you said "two days" out of  
24 approximately 14 days of fieldwork?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) It may have been a few more days than  
2 that.

3 Q. Okay. About how many?

4 A. (DeWan) I'd have to go back and look at the  
5 time records. Let's say, four days, perhaps.

6 Q. And then each of you, meaning you, Mr. DeWan,  
7 and Ms. Kimball and Mr. Truesdell went back to  
8 the office and developed scoresheets for each  
9 of the sites to develop an overall visual  
10 impact rating. Is that correct?

11 A. (DeWan) That is correct.

12 Q. So, for the -- I'm going to say "majority",  
13 correct me if I'm wrong, sites that  
14 Mr. Truesdell did not visit, when he was doing  
15 his overall visual impact ratings, he relied on  
16 photographs that you took or someone else took?

17 A. (DeWan) That is correct.

18 Q. And I thought you said this morning, in  
19 response to Ms. Connor, that your firm never  
20 relied just on photographs when assigning  
21 visual impact ratings?

22 A. (DeWan) As a firm, yes. When we do a project  
23 like that, and I'm the principal author, you  
24 know, I will go out there, look at the site,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 collect all the other pertinent data. I'll ask  
2 other people in the office to add to the  
3 knowledge base that we have about the site, and  
4 then make a determination on the overall visual  
5 impact.

6 Q. So, what about this afternoon we heard  
7 testimony about the fire tower, and my  
8 understanding was nobody from your firm went to  
9 the fire tower?

10 A. (DeWan) That was certainly the exception.

11 Q. So, it's not always the case that you never  
12 work from photographs. And, in Mr. Truesdell's  
13 case, he worked from photographs in the  
14 majority of the sites when he did his scoring.

15 A. (DeWan) Well, there's photographs and other  
16 data that was supplied to him about the  
17 Project. But that's really the exception.

18 Q. When were the scoresheets prepared?

19 A. (DeWan) Generally, over the course of the  
20 Project, extending out to the time when the VIA  
21 was submitted.

22 Q. Can you be more specific than that?

23 A. (DeWan) Probably starting when we did --  
24 started to do our initial fieldwork, during the

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Summer and Fall of 2014.

2 Q. And your VIA was October of 2015?

3 A. (DeWan) I'm sorry. That should have been  
4 summer and fall, and then -- and then probably  
5 then through the Fall of 2015. So, over the  
6 period of probably a year, maybe a little bit  
7 more than that.

8 Q. Well, certainly, they were completed before you  
9 submitted your VIA?

10 A. (DeWan) Absolutely.

11 Q. Okay. So, the Fall of 2015, early fall?

12 A. (DeWan) Yes. Yes, they weren't done all at  
13 once.

14 Q. Your scoresheets were based on modifications  
15 that you made to the Bureau of Land Management  
16 Visual Resource Management System, correct?

17 A. (DeWan) For that particular evaluation of  
18 visual quality.

19 Q. Yes.

20 A. (DeWan) The chart you're referring to, it's in  
21 our VIA.

22 Q. Right.

23 A. (DeWan) An evaluation of existing scenic  
24 character.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Q. And, at some point after the field trips  
2 Mr. DeWan, you, and after -- and after your  
3 cohorts had completed their scoresheets, you  
4 asked to see the scoresheets of Ms. Kimball and  
5 Mr. Truesdell, is that how this worked?

6 A. (DeWan) That's correct.

7 Q. And you compared your scoresheet findings on  
8 each of the scenic resources with those of  
9 Mr. Kimball -- Ms. Kimball and Mr. Truesdell,  
10 is that correct?

11 A. (DeWan) We evaluated, everybody in the office  
12 who worked on it, and had a discussion about  
13 what the visual quality would be. That's  
14 typically about as to how we have done these  
15 sort of projects in the past.

16 Q. And, as I recall from the technical session,  
17 these were generally one-on-one conversations  
18 which you had with Ms. Kimball or  
19 Mr. Truesdell. It wasn't that you all arrived  
20 at one office with your scoresheets and put  
21 them on the table and talked about them, and  
22 then arrived at a consensus?

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

24 Q. Okay. And, if Mr. Truesdell or Ms. Kimball's

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 scores were different from yours, and they  
2 couldn't convince you that they were right and  
3 you were wrong, you, as the primary author of  
4 the VIA, if you will, my word, trumped their  
5 scores and used your scores?

6 A. (DeWan) I certainly wouldn't use those words.  
7 Let's just say --

8 Q. I hadn't even thought about that.

9 A. (DeWan) It's getting late in the day.

10 Q. Yes. Okay.

11 A. (DeWan) Should we start again?

12 Q. Okay. Let me put it this way, --

13 A. (DeWan) As the primary author, I took other  
14 people's observation into consideration. And  
15 sometimes I could be convinced. They -- and  
16 that's one of the reasons we have multiple  
17 people going out doing observations. That, you  
18 know, it's always good to have fresh eyes, to  
19 record observations both visually and in note  
20 form, and then to discuss it when you get back.  
21 "What did you see?" "How important is it?"

22 Q. Understood. I think you used the term during  
23 the tech session that you used the scoresheets  
24 to "verify the conclusions" that you had made.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Does that sound familiar?

2 A. (DeWan) I don't think that was the exact  
3 wording that I said, but --

4 Q. Okay. So, fair to say that these scoresheets  
5 provided a foundation for the VIA, and, in  
6 particular, the visual impact rating?

7 A. (DeWan) Yes. Plus my own observation, plus the  
8 photosimulations, the whole package that we  
9 developed went into the rating.

10 Q. And, certainly, your opinion was the highest  
11 among equals, let's say? You set the bar, as  
12 it were?

13 A. (DeWan) I set the bar. I think that's probably  
14 a better way of putting it.

15 Q. Okay. So, these scoresheets were done up  
16 through, let's say, September of 2015, before  
17 you had finalized the VIA. So, the SEC rules  
18 require that Northern Pass conduct public  
19 information sessions in each of the five  
20 counties through which the Project will pass.  
21 In one set of these, and there were three sets  
22 of hearings or meetings. One set had to be  
23 held before the Application was filed.  
24 Northern Pass made presentations at these

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 sessions, took questions and comments from the  
2 public, and the transcripts of those sessions  
3 are part of the record here, they're part of  
4 the Application, as they had to be.

5 So, between September 2nd and  
6 September 10th, 2015, sessions were held in  
7 Concord, Deerfield, Lincoln, Whitefield,  
8 Laconia. The transcripts, which I said were  
9 submitted by Northern Pass, identified the  
10 Northern Pass team that participated. Your  
11 name does not appear, neither does  
12 Ms. Kimball's. Did you attend any of these  
13 pre-Application public information sessions?

14 A. (DeWan) On what dates?

15 Q. They were held between September 2nd and  
16 September 10th, 2015.

17 A. (DeWan) We did not attend those meetings. We  
18 did participate in public information meetings  
19 in five towns later on in January of 2016.

20 Q. And that was after your VIA had been completed?

21 A. (DeWan) That's correct.

22 Q. And that's after your VIA conclusion that this  
23 Project would not cause an unreasonable adverse  
24 effect?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) Unreasonable, yes.

2 Q. Correct. You are aware, I assume, that Counsel  
3 for the Public's consultant convened public  
4 sessions on visual and cultural resources?  
5 They convened their own public sessions on  
6 that. You know that, correct?

7 A. (DeWan) Community workshops, yes.

8 Q. Yes. Thank you. And were you aware that  
9 Northern Pass's consultant, Mr. Nichols, he's a  
10 consultant on tourism, testified before us  
11 earlier on, I don't think you were in the room,  
12 but he testified that he put together what he  
13 called a -- I will call a "focus group" of  
14 businesses, players in the New Hampshire  
15 tourism industry as part of his work?

16 A. (DeWan) I believe his term "listening  
17 sessions", as --

18 Q. Okay.

19 A. (DeWan) -- having half a dozen, maybe a few  
20 more people showed up.

21 Q. Correct. Yes.

22 A. (DeWan) Yes.

23 Q. Yes. Did you convene any kind of a public  
24 session to hear comments on visual or cultural

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 resources before October 2015?

2 A. (DeWan) I believe we testified to that, in  
3 fact, this morning that we did not.

4 Q. So, I'm going to show you, and I'm going to the  
5 ELMO here, we don't have a high-tech there as  
6 prior counsel did. NGO Exhibit 118. And this  
7 is an excerpt from the Bureau of Land  
8 Management Manual H-8410-1, Visual Resource  
9 Inventory, Sensitivity Analysis. This is taken  
10 from the BLM Visual Management Resource  
11 Systems. And that's the system that you used  
12 as part of your methodology for your VIA,  
13 correct?

14 A. (DeWan) It's the system that we use to identify  
15 and to rate existing scenic quality.

16 Q. Right. Thank you. So, the highlighted portion  
17 of NGO 118, the BLM manual states, and you can  
18 read -- you can see as I read along to make  
19 sure I have it correct, "Public Interest. The  
20 visual quality of an area may be of concern to  
21 local, State, or National groups. Indicators  
22 of this concern are usually expressed in public  
23 meetings, letters, newspaper or magazine  
24 articles, newsletters, land-use plans,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1           *etcetera*. Public controversy created in  
2           response to proposed activities that would  
3           change the landscape character should be  
4           considered." That's the end of the quotation.

5           Would you agree with me that, by October  
6           2015, when you completed your VIA, there had  
7           been considerable public controversy around the  
8           Northern Pass Project for several years?

9   A.    (DeWan) There certainly has been a lot of  
10       discussion within the public realm prior to our  
11       involvement.

12   Q.   And that included both the Department of Energy  
13       Environmental Impact Statement process, as well  
14       as public discourse in the newspapers and  
15       otherwise at the state level, correct?

16   A.    (DeWan) That's my understanding.

17   Q.   And there were -- were you aware of that public  
18       controversy when you took on this assignment?

19   A.    (DeWan) Yes.

20   Q.   Would you agree with me that, since the  
21       Application for this Project was filed, this is  
22       also October 2015, there have been thousands of  
23       public comments in opposition to this Project,  
24       many of them citing impacts on aesthetics that

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 have been received by the Subcommittee. Would  
2 you agree that those public comments are  
3 evidence of controversy?

4 A. (DeWan) I would say those are indication of  
5 public concern about the Project.

6 Q. Are we just talking about a matter of semantics  
7 here between "controversy" and "concern"?

8 A. (DeWan) We also saw some letters that express  
9 support for the Project.

10 Q. Do have any idea what the breakdown is in terms  
11 of support versus opposition?

12 A. (DeWan) I would suspect that the people who are  
13 in opposition were probably higher -- had more  
14 motivation to submit a letter than those that  
15 are in support.

16 Q. Any idea what the breakdown is?

17 A. (DeWan) I don't.

18 Q. No? None at all? Not even an order of  
19 magnitude?

20 A. (DeWan) Order of magnitude? I don't.

21 Q. Where in your Visual Impact Assessment or your  
22 prefiled or supplemental prefiled testimony is  
23 there any acknowledgement of the public concern  
24 or an attempt to address it?

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) I think it's embedded throughout. I  
2 don't think we talked about public controversy,  
3 *per se*. We typically do not, when we write a  
4 visual impact assessment. We try to be as  
5 objective as possible.

6 Q. Doesn't the BLM Manual strongly suggest that  
7 you pay some attention to the public concern or  
8 controversy?

9 A. (DeWan) Oh, we did. Yes. We read many of  
10 those letters, the newspaper articles, the  
11 websites, magazine articles. We looked at  
12 land-use plans. We looked at every town  
13 plan/master plan throughout the area to find  
14 out what they have already identified in terms  
15 of areas of scenic significance or recreational  
16 significance. So, we were certainly aware of  
17 the inherent value of the places that we were  
18 going through. We weren't walking into this  
19 cold.

20 Q. Nevertheless, even though, let's take Deerfield  
21 for example, there is significant opposition  
22 expressed by the people of Deerfield to the  
23 aesthetic impacts on the Village Center in  
24 Deerfield. You found that "Not to worry,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 they'll continue to use it. So, it's not a  
2 problem."

3 A. (DeWan) Again, that's a judgment on continuing  
4 use and enjoyment, which we talked about  
5 earlier.

6 Q. So, again, you set the bar, and that was your  
7 professional judgment?

8 A. (DeWan) That's our professional judgment.

9 Q. So, in preparing the VIA, you also relied, in  
10 part, the on the U.S. Forest Service Manual,  
11 entitled "Landscape Aesthetics: A Handbook on  
12 Scenery Management", is that correct?

13 A. (DeWan) It's one of the sources that we've  
14 used, yes.

15 Q. So, I'm now going to show you NGO Exhibit 116.  
16 This is an excerpt from the U.S. Forest Service  
17 Handbook. And maybe you could read for me the  
18 highlighted material from Pages 3 and 4 of the  
19 Handbook.

20 A. (DeWan) Okay. This is under "Content and  
21 Form". "Content: Some of the most useful  
22 information for scenery management concerns (1)  
23 how constituents use an area and (2) what  
24 visitors and other constituents feel, value,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

1 desire, prefer and expect to encounter in terms  
2 of landscape character and scenic integrity."

3 Going on to the next page, "Combining a  
4 constituent assessment for scenery management  
5 with other resource inventories should be done  
6 when ever possible."

7 Q. So, would you agree that the U.S. Forest  
8 Service Handbook considers public input to be  
9 important?

10 A. (DeWan) Absolutely, because that's their  
11 charge. This is a handbook that was written  
12 specifically for lands under the control of the  
13 National Forest throughout the United States.

14 Q. Okay. You state in your prefiled testimony  
15 that you wrote a Maine State Planning Office  
16 report entitled "Scenic Assessment Handbook  
17 State Planning Office Maine Coastal Program in  
18 2008. So, I'm showing you NGO Exhibit 115,  
19 which is Page 46 in the Maine State Planning  
20 Office report, this time I'll read, we can take  
21 turns. It states "Visual preference surveys  
22 conducted at public meetings during the course  
23 of scenic inventories can be a reliable way to  
24 identify the most important [*sic*] landscapes

[WITNESS PANEL: DeWan~Kimball]

1 within a given region." You wrote that  
2 statement?

3 A. (DeWan) That's absolutely correct. We've been  
4 involved with this area of work for many, many  
5 years. We always like to encourage the  
6 communities that we deal with that the time to  
7 do their scenic inventory is now, not wait till  
8 a project is on the horizon. So, as a result  
9 of this document, this is a why of encouraging  
10 communities to go out and do their scenic  
11 inventories. This was actually picked up by  
12 places like Lincolnville, for example, that  
13 engaged us to use this book to do an evaluation  
14 of the entire town. We also used it as a way  
15 to identify scenic resources in Hancock. In  
16 Washington County.

17 Q. But, again, you didn't do any public meetings  
18 or solicit public input before you did your  
19 October 2015 VIA?

20 A. (DeWan) To the extent that communities had  
21 already evaluated places of scenic  
22 significance, and we looked upon their town  
23 plans as the source of information that is the  
24 definitive word at that point as to what they

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 consider to be important resources.

2 Q. But you didn't go, with the route for this  
3 Project, to the more than 50 towns, I believe,  
4 that are involved in this?

5 CHAIRMAN HONIGBERG: No, he didn't.

6 BY MR. PLOUFFE:

7 Q. You didn't say that?

8 CHAIRMAN HONIGBERG: No, he didn't.

9 **BY THE WITNESS:**

10 A. (DeWan) We have testified to that, in fact,  
11 this morning.

12 CHAIRMAN HONIGBERG: I got you.

13 WITNESS DeWAN: Okay.

14 CHAIRMAN HONIGBERG: No, he didn't.

15 MR. PLOUFFE: Okay.

16 BY MR. PLOUFFE:

17 Q. How many wind power projects have you done VIA  
18 work on in Maine on behalf of developers?

19 A. (DeWan) I don't have an exact number, but it's  
20 probably in the vicinity of two dozen or so.

21 Q. Is it fair to say that you've done most of the  
22 VIAs for the wind projects in Maine?

23 A. (DeWan) That's a fair assessment.

24 Q. So, regarding the issue of aesthetics, is the

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 regulatory standard for wind power projects in  
2 Maine similar to that here before the SEC, in  
3 that both require a finding of no unreasonable  
4 adverse effect?

5 A. (DeWan) There are certain similarities between  
6 both sets of regulations.

7 Q. "No unreasonable adverse effect" is indeed  
8 language that Maine uses, is it not?

9 A. (DeWan) I believe it's similar to that.

10 Q. Yes. In your prefiled testimony, you stated  
11 that you conducted the VIA in this Project  
12 "virtually identical to your previous work for  
13 transmission lines and other VIA projects".  
14 With respect to your VIAs in Maine wind  
15 projects, former Maine wind projects, you, in  
16 fact, did not follow your usual practice here,  
17 did you, when you omitted intercept studies?

18 A. (DeWan) Intercept surveys -- studies is a  
19 relatively recent addition to the procedures  
20 that we go through for wind power projects. We  
21 did several before we started to use intercept  
22 surveys. And we, as I testified earlier, we  
23 have never done intercept surveys for  
24 transmission line projects in Maine or

[WITNESS PANEL: DeWan~Kimball]

1 elsewhere.

2 Q. But, again, with respect to the wind power  
3 projects you did, and we heard this earlier  
4 today, there are several, Highland Wind,  
5 Redington/Black Nubble --

6 *[Court reporter interruption.]*

7 BY MR. PLOUFFE:

8 Q. -- Highland Wind, Redington/Black Nubble,  
9 Saddleback Ridge, Spruce Mountain, and Bull  
10 Hill, as of 2012, you had been involved in  
11 those cases where either you or your client  
12 commissioned intercept studies?

13 MR. NEEDLEMAN: Objection. Asked and  
14 answered.

15 CHAIRMAN HONIGBERG: Mr. Plouffe.

16 MR. PLOUFFE: Fine.

17 BY MR. PLOUFFE:

18 Q. Bear with me a little bit on this question, if  
19 you would. Site Rule 102.56 defines a "visual  
20 impact assessment" as the process -- "the  
21 process for determining the degree of change in  
22 scenic quality resulting from the construction  
23 of the proposed facility.

24 And Site 102.44 defines "scenic quality"

[WITNESS PANEL: DeWan~Kimball]

1 as "a reasonable person's perception of the  
2 intrinsic beauty of land forms, water features,  
3 or vegetation in the landscape, as well as any  
4 visible human additions or alterations to the  
5 landscape."

6 And Site Rule 301.05(b)(6) requires your  
7 VIA to contain for a "characterization of the  
8 potential visual impacts of the proposed  
9 facility...on identified scenic resources [at]  
10 a high, medium, or low, based on consideration  
11 of the following factors: (a) The expectations  
12 of the typical viewer."

13 Would you agree with me that fundamental  
14 to a visual assessment under the SEC rules is  
15 some assessment of the expectations of the  
16 typical viewer with respect to scenic quality,  
17 i.e., the intrinsic beauty and nature of a  
18 given scenic resource? I'll repeat that, if  
19 you want?

20 A. (DeWan) Yes. Just the pertinent parts of it  
21 please.

22 Q. Yes. Would you agree with me that fundamental  
23 to a VIA done under the SEC rules is some  
24 assessments of the expectations of the typical

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 viewer with respect to the scenic quality,  
2 which I would interpret to mean intrinsic  
3 beauty of a given scenic resource?

4 A. (DeWan) I would say yes.

5 Q. So, on Page -- in your VIA, on Page M-19, you  
6 define the term "visual quality" as "the  
7 essential attributes of the landscape that when  
8 viewed elicit overall benefits to individuals,  
9 and, therefore, to society in general."

10 This is a definition in your VIA that's  
11 not in the SEC rules.

12 A. (DeWan) No. This was written before the SEC  
13 rules.

14 Q. Okay. The quality of the resource, and I'm  
15 continuing in your definition, "the quality of  
16 the resource and the significance of the  
17 resource are usually, but not always,  
18 correlated."

19 So, in your definition, I note the term  
20 "elicit overall benefits to individuals and,  
21 therefore, to society in general". What did  
22 you mean by that?

23 A. (DeWan) It's an evaluation of how society, in  
24 general, looks upon the resource. Is it -- in

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1           what sort of regard is it held? And how they  
2           have evaluated it? Is it --

3   Q.    I'm sorry, in regards of the what?

4   A.    (DeWan) And how it has been evaluated at some  
5           level. In other words, are there National  
6           Forests that we're dealing with? Are there  
7           conservation areas? And it's a way of  
8           identifying those inherent characteristics, how  
9           they may relate to society as a whole. It's a  
10          rather abstract concept, I think.

11   Q.    I think you're right. And how does that  
12          relate, your definition, when you talk about  
13          the "benefits to the individual and society as  
14          a whole", how does that relate to the SEC's use  
15          of the term "intrinsic beauty"?

16   A.    (DeWan) I think there's a correlation here.  
17          The 102.44 definition of "scenic quality" I  
18          think is somewhat open-ended, the fact that it  
19          talks about perception of intrinsic beauty. It  
20          doesn't give us an awful lot of guidance.

21   Q.    Would you agree with me that the term  
22          "intrinsic beauty" connotes, if not denotes,  
23          something more an objective assessment of line,  
24          form, color, and those other objective things

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 that you landscape architects like to talk  
2 about?

3 A. (DeWan) There's a lot of ways of looking at  
4 intrinsic beauty. And the way, as you  
5 characterize it, using color, form, line,  
6 texture, *etcetera*, is one way of describing it.  
7 It's rather a qualitative way of looking at it,  
8 perhaps even might be a quantitative way of  
9 looking at it.

10 I don't know if I can answer your question  
11 specifically.

12 Q. Let me ask you another -- are you done,  
13 because --

14 A. (DeWan) For now, yes. Yes.

15 Q. Okay. You'll have a further opportunity on  
16 this question.

17 A. (DeWan) I'm sure.

18 Q. On this same page of your VIA, your  
19 definitions, you define the term "viewer  
20 expectation". And I'm quoting, "An estimate of  
21 people's concern of visual quality in the  
22 environment."

23 A. (DeWan) That's correct.

24 Q. Do you agree that this is essentially the same

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 concept as the SEC Rules' concept of  
2 "expectations of a typical viewer"?

3 A. (DeWan) I would think so.

4 Q. Well, without holding the public meetings and  
5 so forth, where did you assess -- how did you  
6 come to know, and given your limited experience  
7 in New Hampshire, how did you come to know what  
8 the expectations of a typical viewer of New  
9 Hampshire's landscape are?

10 MR. NEEDLEMAN: Objection. I think  
11 we went through this extensively this morning.

12 CHAIRMAN HONIGBERG: Mr. Plouffe.

13 MR. PLOUFFE: I don't -- I was here  
14 this morning. I don't recall a line of  
15 questioning that was directed to how did he  
16 come to his assessment of the expectations of  
17 the typical viewer of New Hampshire's  
18 landscape?

19 CHAIRMAN HONIGBERG: Do you  
20 understand the question?

21 **BY THE WITNESS:**

22 A. (DeWan) Let me try and answer it. And I don't  
23 think there is such a thing as a "typical  
24 viewer" of the New Hampshire landscape. You

[WITNESS PANEL: DeWan~Kimball]

1 know, we're dealing with hundreds of different  
2 scenic resources. The viewers, the users of  
3 those resources, all come with a different set  
4 of expectations. The typical of the Mountain  
5 View Grand will be much different from somebody  
6 who's paddling the Pemi. Some people have a --  
7 depending upon the location are going to have a  
8 much more elevated expectation of the scenic  
9 quality or the intrinsic beauty than in other  
10 locations. It's a much -- it's a variable  
11 concept.

12 BY MR. PLOUFFE:

13 Q. Let me substitute the actual term of the rule  
14 for a "typical viewer", a "reasonable person's  
15 perception". How did you come to assess the  
16 "reasonable person" in New Hampshire -- or,  
17 "reasonable person's expectations" with respect  
18 to their views of the New Hampshire landscape,  
19 both residents and tourists?

20 MR. NEEDLEMAN: Same objection.

21 CHAIRMAN HONIGBERG: You can answer,  
22 Mr. DeWan.

23 **BY THE WITNESS:**

24 A. (DeWan) By looking at, again, for every



[WITNESS PANEL: DeWan~Kimball]

1 resource that we evaluated, you know, we looked  
2 at the expectation, the extent, the nature, the  
3 duration of the landscape. We evaluated with  
4 the information that we had at hand, from our  
5 observation in the field, from reading reports,  
6 from looking at guidebooks looking at websites.  
7 Some places have more information than others.  
8 But I don't think we can make a blanket  
9 statement about the "average person" or the  
10 "reasonable person" relative to the entire  
11 landscape.

12 BY MR. PLOUFFE:

13 Q. So, after you read the guidebooks and the  
14 comprehensive plans with regard to this Project  
15 and the route of this Project, you made the  
16 decision of what the reasonable person's  
17 expectations were?

18 A. (DeWan) Based upon an evaluation of what we  
19 have done leading up to that point.

20 Q. Correct.

21 A. (DeWan) And, of course, based upon many other  
22 studies that have said that, for certain types  
23 of activities, there's an expectation of high,  
24 medium, low, or no scenic quality, depending

1 upon the activity.

2 Q. So, in your -- I'm going to leave that somewhat  
3 esoteric subject, I guess, but I think a very  
4 important one. The term "intrinsic beauty" is  
5 not something that's in the Maine law, correct?

6 A. (DeWan) Thank goodness, no.

7 Q. So, your matrix's numeric scoring system, and  
8 the results of that which were provided as part  
9 of a data request, have scores for the duration  
10 of the impact. And this is -- the scores were  
11 developed, if we look at that flow chart that  
12 is on Page M-2 that's been up on the screen  
13 many times. This is part of the visual impact  
14 analysis that you do -- that you did. And  
15 duration of use is an important factor in your  
16 scoring, correct?

17 A. (DeWan) That's right. I think you initially  
18 said "duration of impact" --

19 Q. I'm sorry, "duration of use".

20 A. (DeWan) -- of the view. Yes.

21 Q. Yes. And to score a "high" in the scoring  
22 system, and I think we went through this  
23 before, but I don't think we got into the  
24 specific numbers. It requires a viewer to

[WITNESS PANEL: DeWan~Kimball]

1 spend the equivalent of at least a morning or  
2 afternoon, that is greater than four hours.  
3 Medium score is, requires 30 minutes to four  
4 hours of associated viewing activity. Do you  
5 think most hikers who achieve a summit for a  
6 viewpoint spend four more hours for the  
7 duration of the viewpoint visit?

8 A. (DeWan) Probably not. And I will say that  
9 duration of view is a concept that we  
10 developed. And, as we went through here, I  
11 don't recall how we applied these to situations  
12 like that. But recognizing that certain  
13 destinations, when you achieve the top of a  
14 peak, it probably should be rated more than the  
15 way it's rated right here, the duration of  
16 view.

17 Q. Okay. So, maybe you were not correct in rating  
18 of some of the views from trails and so forth?

19 A. (DeWan) I think this is a starting point we're  
20 using for evaluating resources.

21 Q. So, I was taken by your testimony earlier today  
22 on this duration of view issue. And it seems  
23 to say that, if I am in my car on a scenic  
24 drive in New Hampshire in the fall, and my

[WITNESS PANEL: DeWan~Kimball]

1 expectation is of a bucolic New Hampshire  
2 landscape, and I go by a McDonald's, that  
3 that's going to have a very limited impact,  
4 because I'm driving by at 45 miles an hour. I  
5 shouldn't pick on McDonald's as an example, but  
6 I will.

7 Is that basically the concept? How long  
8 I'm exposed to this offending feature?

9 A. (DeWan) Well, I wouldn't -- I'm hesitant to use  
10 McDonald's, --

11 Q. Okay.

12 A. (DeWan) -- because it's a different type of  
13 facility that we're talking about here. And I  
14 think the implication was that, when you're  
15 driving, you'd see something along the  
16 roadside, that's going to have a much different  
17 effect than driving along most of the scenic  
18 byways and seeing the structure at a distance  
19 of, you know, X miles or a half a mile away.

20 Q. But the methodology that you've used, let me  
21 use another example. Billboards. You and I  
22 live in Maine, where billboards are outlawed.  
23 Not in New Hampshire, I notice that when I come  
24 here. So, I drive by, if I'm on a highway, and

[WITNESS PANEL: DeWan~Kimball]

1 I'm driving by one billboard, I see it for  
2 maybe five seconds. And that would not  
3 register much on your scale at all, in terms of  
4 the -- because of the short duration of use?

5 A. (DeWan) Hard to say, without looking at the  
6 actual position and other considerations.

7 Q. "Ski Attitash".

8 A. (DeWan) Yes.

9 Q. Okay. So, I'm continuing on my drive, I'm  
10 coming up Route 16, where I really notice them,  
11 in another mile I see another one, and another  
12 mile I see another one. Isn't that, even  
13 though each one individually, under your  
14 methodology, doesn't register very much, in  
15 terms of negative impact, doesn't the whole  
16 experience become affected by billboard,  
17 billboard, billboard?

18 A. (DeWan) If you're talking about -- you know, if  
19 we're just talking about billboards, --

20 Q. Yes. Just talking about billboards.

21 A. (DeWan) Just talking about billboards, I would  
22 say probably so. It's one of the --

23 Q. And that's why --

24 A. (DeWan) It's one of the reasons that Maine

1 outlaws them.

2 Q. And the Federal Highway Beautification Act  
3 outlaws them, correct?

4 A. (DeWan) It's one of the reasons why Scenic  
5 America has gotten where it is.

6 Q. So, there's an example of something that you  
7 flash by in your car, yet the federal  
8 government and the government of the State of  
9 Maine determined that it has a negative impact  
10 on the scenic beauty of the drive?

11 A. (DeWan) I think that's the underlying  
12 assumption.

13 Q. So, this system, the methodology that you're  
14 using, also seems to I'll use the term  
15 "penalize" things like scenic byways. Where  
16 you say that you drive by the view, and keep  
17 going, so, the scoring that you did shows that  
18 it has no impact or very little impact on the  
19 experience. And I think you say the same thing  
20 about trails that have limited views.

21 A. (DeWan) And, as we -- as I pointed out before,  
22 when we talk about "scenic byways", we're not  
23 just talking about an individual occurrence.  
24 You know, we take into consideration the number

[WITNESS PANEL: DeWan~Kimball]

1 of times that one might see the Project as you  
2 drive along, and, of course, the environment  
3 that it's seen within. And I think we've  
4 identified those places where you do have  
5 multiple viewpoints, and that is a  
6 consideration.

7 Q. You earlier today with Ms. Connor had a  
8 discussion concerning the importance in your  
9 model of whether or not people will come back  
10 to a site that has had an impact from this  
11 Project. And, in fact, in the conclusion of  
12 your prefiled testimony, you say "There is no  
13 basis to conclude that people will not continue  
14 to drive the scenic byways, visit the parks,  
15 swim at the beaches, canoe and kayak the  
16 rivers, fish in the lakes, hike the trails in  
17 the manner that they have for decades due to  
18 the presence of the Project."

19 A. (DeWan) That's what we wrote.

20 Q. And that is part of the conclusion that this  
21 will not -- this Project will not have an  
22 unreasonable adverse effect on aesthetics.

23 Can you give me an example of a project  
24 whose effects on aesthetics that would be so

[WITNESS PANEL: DeWan~Kimball]

1 severe that people would no longer drive the  
2 scenic byway, swim at the beaches, hike the  
3 trails, and so forth, in New Hampshire?

4 A. (DeWan) Not off the top of my head I can't.

5 Q. So, isn't your statement a tautology? It's  
6 always going to be true?

7 A. (DeWan) Not necessarily.

8 Q. There's no impact. You can't build a project  
9 that's going to keep people from driving the  
10 scenic byways or hiking the trails in New  
11 Hampshire?

12 A. (DeWan) It's hard to make a statement with such  
13 absolute certainty without knowing the  
14 particulars.

15 Q. Well, I guess maybe the point I'm trying to  
16 make here, or ask you about, is whether people  
17 will stop coming to New Hampshire and its  
18 scenic beauty is really the test that the  
19 Subcommittee is supposed to apply here? It  
20 isn't, is it?

21 A. (DeWan) I believe that's one of the tests.

22 Q. Isn't the test really whether the negative  
23 impact on the visual resources is unreasonable?

24 A. (DeWan) That's the bottom line.

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 Q. So that people's experience is depreciated, and  
2 how much is it depreciated by the Project?

3 MR. NEEDLEMAN: Objection.

4 CHAIRMAN HONIGBERG: Grounds?

5 MR. NEEDLEMAN: The standards are  
6 laid out in the rules. I don't think that's  
7 the standard.

8 CHAIRMAN HONIGBERG: Mr. Plouffe?

9 MR. PLOUFFE: Tried to summarize the  
10 rules, as kind of the commonsense way of it.  
11 But I agree with -- I'll stipulate, certainly,  
12 that the rules are what they are.

13 CHAIRMAN HONIGBERG: And he's not the  
14 tourism expert.

15 MR. PLOUFFE: No, but he's made a  
16 conclusion that this will not have an  
17 unreasonable adverse effect.

18 CHAIRMAN HONIGBERG: Well, but then  
19 you wanted to know "what would cause people not  
20 to come?" And that's not -- that's not what  
21 he's here to testify about.

22 MR. PLOUFFE: Oh, but he's -- okay.  
23 Well, if you want to sustain the objection,  
24 I'll go on.

[WITNESS PANEL: DeWan~Kimball]

1 CHAIRMAN HONIGBERG: I will sustain  
2 the objection.

3 BY MR. PLOUFFE:

4 Q. We've already talked about the importance of  
5 your opinion on things in this VIA, it's your  
6 report. And where you set the bar, you agreed  
7 with me that you set the bar. So, I want to go  
8 a little bit, and just briefly, into where that  
9 bar has been set by your firm in the past.

10 This morning Ms. Connor asked you about  
11 the Black Nubble Wind Power Project in Maine?

12 A. (DeWan) Yes.

13 Q. And both you and I were involved in that case,  
14 as you recall, 2005, 2006, 2007, before the  
15 Land-Use Regulation Commission, correct?

16 A. (DeWan) Black Nubble/Redington.

17 Q. Black Nubble/Redington, correct, because this  
18 is a wind power project on two separate peaks  
19 in western Maine. For the benefit of the  
20 skiers, these peaks are between Sugar Loaf and  
21 Saddleback. Would you generally agree with  
22 that locational comment?

23 A. (DeWan) Generally. Yes. Yes.

24 Q. Right. And Redington peak was just over

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 4,000 feet in height?

2 A. (DeWan) Rough numbers.

3 Q. And Black Nubble was just over 3,000 feet in  
4 height?

5 A. (DeWan) Rough numbers.

6 Q. And, on Redington, the proposal by the  
7 developer, who was Edison International and  
8 Endless Energy, I believe, the proposal was to  
9 put, I'm going to say, I don't remember  
10 exactly, 10 to 15 wind towers on top of Mount  
11 Redington and a similar number on top of Black  
12 Nubble?

13 A. (DeWan) Again, in round numbers, that's about  
14 right.

15 Q. And the towers -- the wind towers on top of  
16 Redington and Black Nubble, from base to the  
17 tip of the blade in the upward position, was  
18 between 300 and 350 feet?

19 A. (DeWan) Again, round numbers, that sounds about  
20 right.

21 Q. And with respect to the towers on Redington,  
22 they were located within 1.1 miles of the  
23 Appalachian National Scenic Trail?

24 A. (DeWan) As from the top of -- from the top of

[WITNESS PANEL: DeWan~Kimball]

1 one, --

2 Q. South Crocker.

3 A. (DeWan) South Crocker. I was trying to think  
4 what they call between North and South Crocker.  
5 Yes.

6 Q. Correct.

7 A. (DeWan) But not visible from those points.

8 Q. I would -- it was within 1.1 miles of the  
9 Appalachian National Scenic Trail, correct?  
10 The corridor?

11 A. (DeWan) But not visible from the Appalachian  
12 Trail, as I recall.

13 Q. From -- maybe from right on the footpath,  
14 but --

15 A. (DeWan) Not the --

16 Q. And, with Black Nubble, they were three miles  
17 from the Appalachian National Scenic Trail?

18 A. (DeWan) I recall 3.2 miles.

19 Q. Okay.

20 A. (DeWan) Yes. Something like that, yes.

21 Q. Okay. And the opinion of -- your opinion was  
22 that this project would not have an undue  
23 adverse effect on aesthetics?

24 A. (DeWan) And I believe that was before the Maine

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 Wind Energy Act --

2 Q. It was.

3 A. (DeWan) -- was put into place.

4 Q. It was.

5 A. (DeWan) Yes. And we were operating under  
6 different rules at that point.

7 Q. Essentially, your opinion was that it would not  
8 have an undue adverse effect on aesthetics?

9 A. (DeWan) That's correct.

10 Q. And the National Park Service came and  
11 testified against the Redington/Black Nubble  
12 Project, correct?

13 A. (DeWan) There were representatives from the  
14 National Park Service and the Forest Service  
15 there.

16 Q. And, in fact, the National Park Service  
17 representative was the Superintendent of the  
18 Appalachian National Scenic Trail, correct?

19 A. (DeWan) That is correct.

20 Q. And the person from the U.S. Forest Service was  
21 one of the experts in the use of the Forest  
22 Service Manual from senior management, correct?

23 MR. NEEDLEMAN: I'm going to object  
24 at this point. I don't understand the

[WITNESS PANEL: DeWan~Kimball]

1 relevance of this line of questioning.

2 CHAIRMAN HONIGBERG: Mr. Plouffe?

3 MR. PLOUFFE: If you bear with me for  
4 a minute, I'll get to the relevance.

5 CHAIRMAN HONIGBERG: Okay. Soon, I  
6 hope.

7 MR. PLOUFFE: Yes. So, I'm trying to  
8 establish where Mr. DeWan's bar is set with  
9 respect to unreasonable adverse impacts on  
10 aesthetics.

11 CHAIRMAN HONIGBERG: Under what  
12 statute?

13 MR. PLOUFFE: Under the general term  
14 of "undo adverse effect".

15 MR. NEEDLEMAN: To the extent he was  
16 analyzing a New Hampshire project, I would say  
17 that might be relevant. I'm not sure how it's  
18 relevant in Maine.

19 CHAIRMAN HONIGBERG: Well, let's find  
20 out. We'll take it for what it's worth.

21 BY MR. PLOUFFE:

22 Q. Ultimately, the Land-Use Regulation Commission,  
23 which has jurisdiction over that project,  
24 denied the project based on effects on

[WITNESS PANEL: DeWan~Kimball]

1 aesthetics, correct?

2 A. (DeWan) One of the reasons that it was denied.

3 Q. And then the Project was resubmitted just with  
4 Black Nubble. Again, you testified in support,  
5 and that was rejected?

6 A. (DeWan) That's correct.

7 Q. Thank you. I want to talk a little bit about  
8 the bare-earth analysis question, that's  
9 bare-earth?

10 A. (DeWan) Yes.

11 Q. And, originally, you did not use bare-earth,  
12 we've heard about that. You went back, did an  
13 analysis out to 10 miles using bare-earth to  
14 some degree, let me put it that way. So, I  
15 think you mentioned that you were part of a New  
16 Hampshire study group convened by the Office of  
17 Energy & Planning that was charged to hold a  
18 public stakeholder pre-rulemaking process to  
19 develop the regulatory criteria for siting  
20 energy facilities. You were part of that?

21 A. (DeWan) It was a group that was con --  
22 convened, thank you, convened via conference  
23 call. We never met in person.

24 Q. Okay. There were four working groups, one for

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1           aesthetics, which had 21 members, and you were  
2           a member of that?

3   A.     (DeWan) That is correct.

4   Q.     And there were 9 members of that, in addition  
5           to the 21, who represented industry, is that  
6           correct?

7   A.     (DeWan) I don't have any information on the  
8           membership in front of me.

9   Q.     Okay. I think Mr. Needleman was also a member  
10          of this group, was he not?

11  A.     (DeWan) He may have been. It seems like there  
12          were different people that showed up at  
13          different conference calls. I don't remember  
14          who was on each one.

15  Q.     Okay. When was this?

16  A.     (DeWan) 2014, I believe. April/May of 2014.

17  Q.     So, this was when you were working on the  
18          Northern Pass Project?

19  A.     (DeWan) That's correct.

20  Q.     So, the -- Dr. Publicover, from the Appalachian  
21          Mountain Club, co-chaired your group on  
22          aesthetics. Do you recall that?

23  A.     (DeWan) That's right.

24  Q.     And the subcommittee or the group reported back

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 to the Office of Energy & Planning on June 6,  
2 2014. And their report listed areas where  
3 there was consensus on the group and areas  
4 where there was no consensus. Do you recall  
5 that?

6 A. (DeWan) I know there was certainly a lot of  
7 discussion about what should be in the final  
8 rules.

9 Q. Well, I can show you on the ELMO here relevant  
10 pages from the report to refresh your  
11 recollection, if you want? So, I'm looking  
12 at -- we're looking at Page 3, I believe.  
13 There was group consensus along the various  
14 interest groups that an application should  
15 include a bare-earth ground analysis. Do you  
16 see that?

17 A. (DeWan) I do, on the second page there. Yes.

18 Q. Did you not agree with that? You were not part  
19 of the consensus?

20 A. (DeWan) I do not recall agreeing to that  
21 when -- I don't think there was any formal  
22 vote. It's hard to vote on a conference call,  
23 but it was more of a consensus.

24 Q. But that's the report that went to the New

[WITNESS PANEL: DeWan~Kimball]

1 Hampshire Office of Energy & Planning?

2 A. (DeWan) That's correct.

3 Q. Did you file any kind of a dissenting opinion?

4 A. (DeWan) I did not. I expressed -- I expressed  
5 some reasons why you use viewshed analyses  
6 during the course of these discussions.

7 Q. So, I'm going to show you --

8 A. (DeWan) Again, I didn't take notes of what I  
9 said. I know that, again, thinking back, what  
10 I probably said is that bare-earth viewshed  
11 analyses is important in some situations. It  
12 may not be applicable in all situations that  
13 come before the SEC.

14 Q. I'm going to show you NGO Exhibit 117. Again,  
15 this is the U.S. Forest Service Manual. Do you  
16 see that?

17 A. (DeWan) Yes, 4-5.

18 Q. Talking about bare-earth conditions. And it  
19 says "Vegetation screening...is important for  
20 short-term, detailed planning. Normally,  
21 vegetative screening is inappropriate to  
22 consider in long-term, broad-scale planning"?

23 A. (DeWan) Yes. I see that.

24 Q. So, certainly, you're aware that major portions

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 of the existing transmission corridor in this  
2 Project go back to the early 1900s?

3 A. (DeWan) Yes.

4 Q. Yes. So, this is a long-term project, would  
5 you agree?

6 A. (DeWan) It certainly has been so far.

7 Q. Not just the processing of the Application, but  
8 the transmission line project itself will be  
9 here for a long time. Correct?

10 A. (DeWan) I can't predict how long it's going to  
11 take.

12 Q. Isn't this the very scenario that the U.S.  
13 Forest Service Manual envisions when it talks  
14 about its recommendation for a bare-earth  
15 analysis?

16 A. (DeWan) I don't think so. I think the Forest  
17 Service is charged with, among other things,  
18 doing forest management plans. And part of  
19 that means linking up places where they're  
20 going to do harvesting activities. And, so,  
21 doing the bare-earth analyses is one way of  
22 determining what the public would see when  
23 they're driving through different parts of the  
24 forest. What resources might be exposed to

[WITNESS PANEL: DeWan~Kimball]

1 view where views might be created. How things  
2 may change to the viewing public. You know, we  
3 don't have that -- the luxury, in this  
4 situation, of having control over all the areas  
5 within our viewshed.

6 Q. So, I'm going to show you NGO Exhibit 123.  
7 This was submitted into the record by  
8 Normandeau Associates. And it shows a forest  
9 harvest activity within the Northern Pass  
10 corridor in Dixville. Do you recognize that?

11 A. (DeWan) I recognize the area, yes.

12 Q. And do you recognize where the pond is there,  
13 Nathan Pond?

14 A. (DeWan) Yes.

15 Q. A 22-acre brook trout pond?

16 A. (DeWan) Yes.

17 Q. It's accessed by both ATV and hiking trails?

18 A. (DeWan) Yes.

19 Q. And you see that bare earth, just to the left  
20 of the pond?

21 A. (DeWan) Yes. Looks like there's recent  
22 harvesting there.

23 Q. Since -- and it's within the past year. And  
24 were you --

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 A. (DeWan) I have no idea when it occurred.

2 Q. Okay. Well, your report, with respect to this  
3 site, Nathan Pond, says that users of this area  
4 will simply see the tops of the power line.  
5 But, after this harvest, in this working  
6 forest, they're going to see a lot more than  
7 the tops. Isn't this the dynamic -- the  
8 dynamic nature of a working forest that the  
9 Forest Service is concerned about?

10 A. (DeWan) Well, I'm not going to -- I don't know  
11 what the effect will be by doing a harvest. I  
12 know, just looking at Nathan Pond, there is a  
13 strip of trees that surrounds the pond, and I  
14 assume those are not going to be cut. And,  
15 based upon the topography and the size of the  
16 trees, you may see the tops of some of the  
17 structures. But the question is, what role  
18 will the trees that have not been cut play in  
19 the view of the structure?

20 The other consideration, of course, is  
21 where does somebody who's visiting the pond  
22 have access to it? I believe that's the Cohos  
23 Trail as it runs through on the west side of  
24 the pond. And the viewpoint at that point is

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 looking to the east, and the transmission  
2 corridor is due south.

3 Q. This is an example, is it not, of a changing  
4 dynamic forest, a working forest in northern  
5 New Hampshire?

6 A. (DeWan) Yes. I think it's a fair assumption  
7 that working forests are going to have areas  
8 where periodically they're going to be  
9 harvested. There's a variety of different  
10 types of cutting operations, as we see here.

11 Q. So, the visual situation, if I can call it  
12 that, with respect to the Project is not  
13 static. In the future, there could be insect  
14 infestation, there could be ice storms, there  
15 could be harvesting activities, that's going to  
16 open up views of the Project that we don't have  
17 today?

18 A. (DeWan) There's always that possibility.

19 Q. And isn't that a reason to do a bare-earth  
20 analysis?

21 A. (DeWan) No. Because what you're talking about  
22 is something which is extremely site-specific,  
23 looking at the effect that harvesting in one  
24 particular area may have on the visibility of a

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

1 limited number of structures.

2 I would think, and, again, if this was the  
3 Forest Service who was doing this cutting  
4 operation, they would do an assessment of the  
5 effects of the harvesting on the resource, in  
6 this case, Nathan Pond and the trail.

7 Q. The Forest Service is not involved here. This  
8 is Wagner Forest Management and Bayroot.

9 A. (DeWan) And, as I said, I didn't know who owns  
10 this land.

11 Q. The Yale investment fund. Just to clarify, you  
12 screened out a number of resources because they  
13 did not have legal access to the public?

14 A. (DeWan) That is correct.

15 Q. Or, the public did not have a legal right to be  
16 there?

17 A. (DeWan) That's correct.

18 Q. So, I'm trying to understand your position on  
19 this. So, if I am in a beautiful town, New  
20 England town common, surrounded by the iconic  
21 white houses with the black shutters, and a  
22 number of those houses are on the National  
23 Historic list -- Register or eligible to be on  
24 the Register. What is the aspect of those

[WITNESS PANEL: DeWan~Kimball]

1 houses that makes the common and the houses  
2 around it of scenic value?

3 A. (DeWan) One of the things that we look at when  
4 we evaluate those sort of facilities is the  
5 quality of the space, and whether or not the  
6 space is well-defined, it was defined primarily  
7 by architecture or by landscape features, where  
8 the spaces are between the structures, allowing  
9 views to the greater beyond. The quality of  
10 the space within it, whether or not it's  
11 developed or relatively natural. Whether  
12 there's features, such as bandstands, which  
13 provide a focal point for that space. A lot of  
14 considerations when you evaluate a situation  
15 like you're describing.

16 Q. But you don't -- you did not evaluate the  
17 impact on the structures around the common, in  
18 my hypothetical?

19 A. (DeWan) In your hypothetical, --

20 Q. You would not?

21 A. (DeWan) -- if they're private properties, no.

22 Q. That's what I'm trying to get at.

23 A. (DeWan) That's correct.

24 Q. Well, what is the aspect of the private

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}



[WITNESS PANEL: DeWan~Kimball]

1 properties that makes them valuable from the  
2 public perspective?

3 A. (DeWan) It's the fact that they're defining  
4 that space which is seen in the immediate  
5 foreground.

6 Q. It's the exterior of the building, isn't it?

7 A. (DeWan) Not necessarily. It could be the  
8 exterior of the building, it could be the  
9 gardens next to it.

10 Q. Okay.

11 A. (DeWan) It could be the pathways leading up to  
12 it. It's the relationship of the buildings to  
13 each other. The relation of the buildings to  
14 the street.

15 Q. My standing in the public common or in the  
16 public street have visual access, as a matter  
17 of right, obviously, to appreciate those things  
18 that make those gardens and homes of value to  
19 us as a society. True?

20 A. (DeWan) Well, if you're -- let's say you're in  
21 Whitefield, an example, there's a nice town  
22 green right there, I think maybe similar to  
23 what you're talking about, except they're not  
24 commercial structures. If those were homes,

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 you wouldn't have any right to go into those  
2 structures. The green itself is defined by  
3 those pieces of architecture. The public has  
4 no right to them.

5 Q. I understand I can't go in the home. But I'll  
6 leave it at that, I know it's getting plate.

7 I'm going to show you NGO Exhibit 114.  
8 Again, this is from the Scenic Assessment  
9 Handbook, Maine Coastal Program, that you wrote  
10 in 2008.

11 A. (DeWan) That's correct.

12 Q. And I'd like you to read what's highlighted in  
13 yellow, under "Visual Accessibility and Use".

14 A. (DeWan) Okay. And, again, this was done for  
15 the Coastal Program for the State of Maine.

16 Q. Correct.

17 A. (DeWan) "By definition, all lands that are  
18 identified as scenic areas are either on public  
19 lands," -- excuse me -- "are open to the  
20 public, or are visible from public viewpoints.  
21 At the "high" end of the spectrum are scenic  
22 areas that are fully or mostly visible from  
23 major public vantage points, for example, on or  
24 adjacent to main highways; historic districts

{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

[WITNESS PANEL: DeWan~Kimball]

1 and village centers; major hiking trails with  
2 established, well-marked trailheads."

3 Q. So, if the church that we saw earlier, which I  
4 think was in Deerfield, the white church, if  
5 that was not open to the public, you wouldn't  
6 have evaluated -- you would not have evaluated  
7 the impact of the transmission structure that's  
8 going to be built behind that, that church?

9 A. (DeWan) We evaluated the whole village center.  
10 If there was --

11 Q. I'm saying, if the church had not been open to  
12 the public, and you assumed that it was, so you  
13 did evaluate that. But if it had not been?

14 A. (DeWan) Well, as I said before, we evaluated  
15 the entire village center.

16 Q. That brings me --

17 MR. PLOUFFE: I'm almost done,  
18 Mr. Chairman.

19 BY MR. PLOUFFE:

20 Q. Brings me to the other point I was interested  
21 in in your testimony, and that's an  
22 illustration of it. If there is a very  
23 significant negative impact to one of the  
24 structures, historic structures in the town, in

[WITNESS PANEL: DeWan~Kimball]

1 the village center, like that church, but the  
2 church is part of a larger area, in your VIA,  
3 you reach your conclusions based on the impact  
4 on the larger area, not on that one resource.  
5 Is that correct?

6 A. (DeWan) That's how we did the evaluation for  
7 Deerfield, the Deerfield Center.

8 Q. So, this -- were you in the room when I was  
9 asking I think Ms. Widell about numerators and  
10 denominators, and diluting the effect of an  
11 impact by making the impact be spread out over  
12 a large area?

13 A. (DeWan) I may have been.

14 Q. Okay. Is that essentially what you're doing?

15 A. (DeWan) I don't believe so. You know, our  
16 charge was to look at the scenic resource,  
17 which in this case we considered that to be the  
18 church, surrounded by the village center.

19 Q. But it's on --

20 A. (DeWan) And, you know, the "village center", by  
21 definition, was a collection of individual  
22 structures.

23 Q. And I understood you to say, in response to  
24 Ms. Connor's question, that one of -- it's not

[WITNESS PANEL: DeWan~Kimball]

1 really a mitigation -- well, maybe it is a  
2 mitigation measure, is for people to avert  
3 their view from what offends them?

4 A. (DeWan) No. I didn't say that.

5 Q. Well, I thought you said that --

6 A. (DeWan) I said, to the reality of it, when  
7 you're out on a place, a pond, let's say, if  
8 you don't like the view, you know, you can, in  
9 your 360-degree viewing area, you can, you  
10 know, aim the boat in some other direction, or  
11 you can concentrate on your fishing and look  
12 straight down.

13 Q. So, I should just, if I don't like it, look the  
14 other way?

15 A. (DeWan) There's many options. And I think  
16 that's one of the reasons that the rules ask  
17 for the extent, the horizontal extent of the  
18 view, as part of the rules.

19 MR. PLOUFFE: All right. Thank you,  
20 Mr. DeWan and Ms. Kimball.

21 Thank you, Mr. Chairman.

22 CHAIRMAN HONIGBERG: All right. I  
23 think that will wrap up today. I understand,  
24 when we begin tomorrow, Ms. Boepple, from the

[WITNESS PANEL: DeWan~Kimball]

1 Forest Society, will be up. She's going to  
2 spend the next four hours refining her  
3 questions, so that she's raring to go and be  
4 real efficient tomorrow morning.

5 Is there anything else we need to do  
6 before we break for the day?

7 *[No verbal response.]*

8 CHAIRMAN HONIGBERG: All right. If  
9 not, we'll see you all tomorrow morning.

10 (Whereupon the **Day 31 Afternoon**  
11 **Session** was adjourned at 5:35  
12 p.m., and the hearing to resume  
13 on **September 12, 2017,**  
14 commencing at 9:00 a.m.)

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{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}

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**C E R T I F I C A T E**

I, **Steven. E. Patnaude**, a Licensed Shorthand Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

---

Steven E. Patnaude, LCR  
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(RSA 310-A:173)