IN RE: SEC DOCKET NO. 2015-06
(Hearing on the merits)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:
Chrmn. Martin P. Honigberg Public Utilities Comm. (Presiding as Presiding Officer)
Dir. Craig Wright, Designee Dept. of Environ. Serv.
Christopher Way, Designee Dept. of Business & Economic Affairs
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Pamela G. Monroe, SEC Administrator
(No Appearances Taken)

COURT REPORTER: Steven E. Patnaude, LCR No. 052
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Mr. DeWan, we're starting again, but with reference to your Methodology Flow Chart from your report at APP14310. We've been talking about the last step in your Methodology Flow Chart, the visual impact analysis, correct?

A. (DeWan) That's correct.

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

A. (DeWan) That's correct.

Q. And, among other things, that form looked at the activity in terms of whether or not the visual quality was an intrinsic part of and
whether it would significantly affect the experience, i.e., kayaking, photography, driving scenic byways, or viewing scenery and hiking, as part of your form for extent, nature, and duration of use?

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

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

A. (DeWan) That's correct.

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

BY MS. CONNOR:

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

A. (DeWan) That's correct. And we notice that, in
the bottom right, there's a mistake in the chart. It should be "1 to 3", rather than "7 to 9" under "Low".

Q. Would it be "1 to 3" or "zero to 3" for Low?
A. (DeWan) It probably should be "zero to 3", yes.

Q. Okay. All right. So, this is how you determine the extent, nature, and duration of the use. And am I correct that, in determining that, you would take into account how many people use a particular scenic resource?
A. (DeWan) In relative terms, not in actual numbers.

Q. Okay. And you would take into effect what they might do at a particular scenic resource?
A. (DeWan) That is correct.

Q. And you would take into effect perhaps how long they stay at a scenic resource?
A. (DeWan) Again, in terms of relative time.

Q. Yup. And those are all things that one can do by observation, correct?
A. (DeWan) For the most part, yes.

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

MS. CONNOR: Can we zoom in on the
BY MS. CONNOR:

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

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

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

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

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

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

Q. I understand that you can predict. What I'm
saying is, you can't actually tabulate to what extent folks are going to continue to use this, absent opinion?

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

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

A. (DeWan) Perhaps.

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

A. (DeWan) An evaluation.

Q. A prediction?

A. (DeWan) Yes.

Q. Okay. And you did that in this case without
any particular form that you can show this Committee, in terms of how you ranked continued use and enjoyment on a low, medium or high basis? In other words, --

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

Q. Well, sir, if a particular user is visiting a scenic resource because of the visual quality, and that visual quality is an intrinsic part of what might significantly affect their experience, which is what you describe as a "high ranking" under extent, nature, and duration of public use, wouldn't that also be the equivalent in terms of their future use? Wouldn't they still be concerned about the scenery?
A. (DeWan) I don't think there's any one rule of thumb that you can apply. I think we have to look at the individual scenic resources. You know, somebody is driving a scenic byway, for example, and sees the transmission line in two or three places, yes, they might not enjoy it -- they may not enjoy seeing it for those several seconds that they're passing through the transmission corridor. But it certainly is not going to affect they're continuing use of the area, and their overall enjoyment of the entire scenic byway might be diminished a very slight amount.

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

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

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

A. (DeWan) May be slightly diminished. Depends on
the context that they see it within and the
speed that they travel over, the time of day,
weather conditions, and so forth.

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

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

BY MS. CONNOR:

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

A. (DeWan) Yes.

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

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{SEC 2015-06}[Day 31/Afternoon Session ONLY]{09-11-17}
pinky/purply column here, second from the end, that's what we were just talking about, and you had told me before lunch that, in fact, you either ranked the impact of these scenic resources as either "none" or "low impact", in terms of future use and enjoyment, right?

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

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

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

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

A. (DeWan) That's correct.

MS. CONNOR: Okay. Can we go down -- less colors now. May we switch to ELMO please?

Right near the top.

BY MS. CONNOR:
Q. Excuse my scribblings on this, but this is
still Exhibit 466. And I've circled two areas.
The first is with regard to Subarea 1. And it
has to do with the scenic byways in
Clarksville. Am I correct that, in terms of
the extent, nature, and duration of the use, in
part, you rank them as having a medium rank
because of the impact of the scenery on those
scenic resources? See that?
A. (DeWan) They received a "medium", that's
correct.
Q. Okay. And, then, going forward, to the right,
when it comes to the future continued use and
enjoyment of that resource, now the scenery has
dropped down to "low". Scenery has no impact
on whether the public is going to continue to
have the same enjoyment and future use of the
resource?
A. (DeWan) I don't think you're comparing
apples-to-apples here. The purple column,
"Continued Use and Enjoyment", is an evaluation
of whether or not people would continue to use
and enjoy, at this point, the combination of
the Connecticut River Scenic Byway and the
Q. Sir, can you explain to me why the scenery would be important to the byway in terms of the public's current use of it, but not important in terms of their future use?

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

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

A. (DeWan) Again, I don't believe that you're comparing the two columns in the correct way. In the "Extent, Nature, and Duration" of the rating column looks at the way the facility or the resource is used right now. The one on the
right evaluates what may happen if the Project
were to be in place.

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

BY MS. CONNOR:

Q. I've circled "Concord". For example, we have 
the "Oak Hill Trails". You determined that the 
extent, nature, and public use of those trails 
was a "high", which, under -- with regard to 
"nature of the activity", means they are 
activities in which visual quality is an 
intrinsic part of and may significantly affect 
the experience. And, yet, when we go forward, 
and we think about the impact of this Project 
on that same scenic resource, and that same 
individual's future use and enjoyment of it, 
it's no longer "high", now it drops down to 
"low"?
A. (DeWan) Absolutely. If you've been out there, 
you know that the Oak Hill Trails is a network 
of trails in Concord, with occasional 
long-distance views. But it's an exciting 
place to be because of the quality of the trail 
experience. It seems to be very highly used.
People go out there for, you know, an afternoon ride. So, under that criteria, yes, we felt it was a high.

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

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

A. (DeWan) The enjoyment will come by evaluating how it's being used right now. You know, are
people mountain biking, for example? Do they
really enjoy the experience of mountain biking,
traveling over these trails in the woods? And,
to say that you're out there for four hours,
and you see a couple of structures for four or
five seconds at a time, it's hard to imagine
that would affect someone's enjoyment, knowing
that, while they're out there traveling, they
probably have seen a lot of other things which
are non-natural, in terms of transmission
towers and structures and so forth.

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

MR. IACOPINO: What exhibit are we
on?

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

MR. IACOPINO: Oh.

BY MS. CONNOR:

Q. This exhibit, on the last page, "Deerfield Town
Hall/Village", you indicated again here a
"high" current nature, extent, and duration of
public use, which involves some indication that
the visual quality is an intrinsic part of and may significantly affect the experience.

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

A. (DeWan) Very low, yes.

Q. I understand. Low.

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

The question that we asked, though, is, by seeing a single structure from a very limited amount of the overall area, which is many acres
in size, is going to be a significant effect on
the way people now use the facility, scenic
resource.

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

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

A. (DeWan) This is not a "downtown" area. This is
a village center, okay. We did not rate it.
But I think that our observation here is that
the one location where you did the
photosimulation from that you have seen, you
know, is a very small part of the overall
Deerfield Village Center. Again, thinking of a
balancing -- the balance between use and enjoyment, some people may not enjoy of it, we severely doubt it's going to have any effect whatsoever on the way that people now use the Deerfield Center.

MS. CONNOR: Thank you, Eli. Okay.

BY MS. CONNOR:

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

MS. CONNOR: Can we pull up APP14546?

BY MS. CONNOR:

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

A. (DeWan) Sahegenet Falls, in Bridgewater.

BY THE WITNESS:

[Court reporter interruption.]

BY THE WITNESS:

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

BY MS. CONNOR:

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

A. (DeWan) In four locations -- at four locations
the Project is located in the existing transmission corridor. So, it will cross the Pemigewasset River.

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

BY MS. CONNOR:

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

A. (DeWan) No, it is not.

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

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

Q. He didn't rate it at all?

A. (DeWan) No.

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

A. (DeWan) That's correct.

Q. Okay. If we go down below, at the Pembroke crossing in Bristol, we see that you rated the
visual effect of that crossing at a "21", Ms. Kimball also at "21", and David at a "zero".
Is that also inaccurate?
A. (DeWan) I believe so.
Q. So, another situation where, instead of three, we only have two raters. Is the average -- or, the average then is also wrong, because, if we have two 21s, shouldn't we have a "21"?
A. (DeWan) Apparently so.
Q. Okay. And that would change the scale from "low/medium" to "medium", would it not?
A. (Kimball) If you look in the report, we assigned, let's see, this is for the Ayers Island Dam, is this right? Sorry. I'm sorry, which one are we on? Sorry, the Pemigewasset River crossings. All right, the overall visual impact rating is "low to medium" for the Pemigewasset River.
Q. Right. But that's because you factored in a zero.
A. (Kimball) No. Our evaluation of the Pemigewasset River is looking at a number of different locations.
Q. Well, shouldn't the average score be "21", and,
if it is, wouldn't "21" be a straight "medium"
score?

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

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

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

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

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

Q. And the crossing at Bridgewater involves a
bridge that is eligible for the Historic Registry, correct?

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

A. (Kimball) That's in Ashland.

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

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

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

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

BY MS. CONNOR:

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

A. (DeWan) Yes.

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

A. (DeWan) From the highway bridge.

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

A. (Kimball) That's right.
A. (DeWan) It looks like ours, yes.

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

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

Q. Okay.

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

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

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

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

A. (DeWan) If the public was allowed to use it, that may be a different situation. But this is
no different than any private home, that may be on the National Register or eligible for it, that you have a view of it.

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

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

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

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

The structures on the right side, I believe, is going to be visible in a field.
So, it would not be seen from this particular vantage point. The structure on the left side of the image is going to be seen on the far side of the bridge, near those large pine trees.

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

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

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

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

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

A. (DeWan) No, we did not. We felt that the description that we offered conveyed the effect that it would have. We provided photosimulations in other parts of the Pemi River. We also know that the amount of time that the average person spends going across the
highway bridge is limited. We also know there's no pedestrian facilities on the bridge. It's primarily bridge that you go over, as we said, in four to five seconds.

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

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

A. (DeWan) I do not know that.

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

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

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

A. (Kimball) This did not rank high. Even with
the 21 score, it's not high.

Q. Okay. It would have been a medium?

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

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

BY MS. CONNOR:

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

A. (DeWan) I do.

Q. Can you describe the scenic resource?

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

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

A. (DeWan) That's our understanding.

Q. And there are other buildings besides the Deerfield -- besides the church that are listed
on the National Register, right? The Deerfield Town Hall?

A. (DeWan) That's correct.

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

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

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

A. (DeWan) That's correct.

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

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

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

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

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

Q. And "low" for future continued use and enjoyment?
A. (Kimball) And "low" for effect on continued use and enjoyment, correct.

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

BY MS. CONNOR:

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

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

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

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

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

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

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

BY MS. CONNOR:
Q. Okay. And, again, do you recognize this as being another view from a slightly different angle of the Deerfield Church?
A. (DeWan) Yes.
Q. It's taken a few feet from your view in front of the Deerfield Town Hall, is it not?
A. (DeWan) That's near the other location.

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

BY MS. CONNOR:
Q. Would you agree that, by shifting the direction of the photo ever so slightly, the new transmission structure became much more visible?
A. (DeWan) It is more visible in this location.
Q. So, every time folks go to the Deerfield Church and they drive down that road, they're going to have that view, correct?
A. (DeWan) No. They're not on the road. They're in a parking lot right here.
Q. Okay. If they parked at that parking lot, they're going to have that view, are they not, sir?
A. Well, if you're going to the church, you're going to park in the church parking lot.

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

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

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

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

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

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

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

A. (DeWan) No, they do not.

Q. How tall is that pole?

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

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

BY MS. CONNOR:

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

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

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

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

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

A. (DeWan) That's correct.

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

A. (DeWan) Again, we looked at the entirety of the scenic resource, which, in this case, is the historic district, which encompasses a very large area. And we know there are these two locations. We do not feel that, on average,
it's going to have a high scenic impact on the overall district.

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

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

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

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

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

BY MS. CONNOR:

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

A. (DeWan) This is from Nottingham Road?
Q. Yes. Do you recognize it, sir?
A. (DeWan) I do recognize it, yes.
Q. Okay.
A. (DeWan) Yes.
Q. And you did not consider this particular scene from the public road, did you?
A. (DeWan) We did not consider it to be a scenic resource.

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

BY MS. CONNOR:
Q. What is the size of the first lattice structure that we see in this simulation?
A. (DeWan) I don't have that number in front of me.
Q. How close is that first lattice structure to the road?
A. (DeWan) I would estimate it was within 150 feet.
Q. Do you agree that this view might be slightly less jarring if we only had one type of structure in the corridor?
A. (DeWan) We really haven't done an evaluation on this. And you're asking a hypothetical question that really demands more of a thought process than a off-the-cuff answer.

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

A. (DeWan) That's highly desirable.

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

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

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

A. (DeWan) There's a lot of mitigation measures that can apply to many of these situations that
we're talking about. You know, we've talked, I believe, that the Committee has heard about the potential for plantings in areas like this that may be very effective.

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

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

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

Q. Okay. Let's go back to Big Dummer Pond, which is in Applicants' Exhibit 71-2, Attachment 9,
Q. That's the "before" picture, which we looked at this morning.
A. (DeWan) It's the panorama, yes.
Q. The panorama. And you rated user expectation on this pond as "low", because of the preexisting commercial activity, correct?
A. (DeWan) When we evaluated the effect on Big Dummer Pond as a resource as a whole, we had to consider what else was going on around it, in terms of visible additions to the landscape.
Q. In that particular photograph, the generator lead line and the wind turbines are not visible, are they?
A. (DeWan) In this particular photograph, I believe you can see the generator lead line and you can see some of the structures. Again, using the panoramic view, it diminishes the size of those sort of objects. If you go to the next photograph, which is the -- can you call that up?
Q. Certainly.
A. (DeWan) -- the normal view, you may be able to
see the generator lead line, above the
evergreens above the shoreline.

Q. Well, this photograph actually is the
simulation.

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

BY MS. CONNOR:

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

A. (DeWan) Yes.

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

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

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

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

Q. Hmm. Well, when I was out there, I could
barely see them even in person. So, you've got a better eye than I.

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

BY MS. CONNOR:

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

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

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

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

Q. And is this an example of what they call "skylining" in your field of work, going up
over the ridgetop?

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

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

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

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

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

Q. Does your explanation of the future use of the
pond mean to suggest there's never an unreasonable scenic impact on a water body, so long as the Project doesn't preclude the fishermen from accessing the water to fish?

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

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

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

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

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

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

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

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

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

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

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

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

A. (DeWan) At the actual what level?

Q. Pond level. I know I see one immediately
behind this little island. How many others?
A. (DeWan) I don't believe any of them are right at the pond. They're all on the hillside above the surface of the lake.

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

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

Q. And then how many cross the ridgeline?

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

Q. (By Ms. Connor:)

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

BY MS. CONNOR:

Q. This is Moose Path. You rated user expectation as "medium", because the touring motorists will have a heightened expectation of scenic quality.
due to promotional material generated for the scenic byway and signage along the way.

Correct?

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

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

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

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

A. (DeWan) Go ahead.

Q. Did you attempt to analyze the foot traffic?

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

Q. Either. They're both there.

A. (DeWan) Well, it's not a place that is very inviting for pedestrians. There's no shoulders, there's no facilities, there's no pathway for pedestrians. It would be very unusual, I believe, to find somebody walking along at least this portion of the scenic
byway. Within the cemetery, we didn't see any evidence of any footpaths. There was a -- as I said, there is a small pull-off in the shoulder there that provided a point of access where people may want to go down to the cemetery.

Q. Sir, the absence of footpaths wouldn't prevent people from visiting the cemetery, would it?
A. (DeWan) I didn't imply that there was.

Q. Okay. It's my understanding that you rated the extent, nature, and duration of public use in terms of the impact on this particular scenic resource as "medium", because motorists -- you expect that motorists will pass through this area in 45 seconds, is that correct?
A. (DeWan) Going in one direction, yes.

Q. Okay. Did you attempt to analyze the impact on a local resident that might pass this site several times a week, 52 weeks out of the year, which would need to be multiplied against your 45 second impact?
A. (DeWan) No, we did not.

MS. CONNOR: And can we pull up APP36142? And then APP36144.

BY MS. CONNOR:
Q. According to your VIA, that a visual effect on the viewer was "medium", because the structures "represent a relatively minor change to the overall experience of the byway and should not result in a substantial change in the way people now use or enjoy the byway." Is that correct?

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

Q. Am I correct, sir, that the steel monopole angle structures in the crest of this hill will appear above the skyline at more than twice the
height of the surrounding trees?

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

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

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

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

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

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

A. (DeWan) Well, you're asking a hypothetical at this point. Again, we're talking about a change to the visual experience of somebody traveling a very lengthy scenic resource, in
Q. Could you answer my hypothetical and tell me what structure characteristics would reflect a major change?
A. (DeWan) We do not like to deal with hypotheticals. We're dealing with more of the reality right here.
Q. May I have an answer, sir?
CHAIRMAN HONIGBERG: That's a harder hypothetical for him to answer, I think.
MS. CONNOR: Except that he characterized these structures as a "minor change". So, I'm trying to figure out what, on his scale, reflects a "major change"?
CHAIRMAN HONIGBERG: Would you offer him some different configurations and ask if they would be major.

BY MS. CONNOR:
Q. I'm going to try to -- oh, sorry, sir. Are you ready?
A. (DeWan) Yes.
Q. I'm going to try to approach that question in a different way.
A. (DeWan) Okay.
Q. Can you tell this panel what types of structures would result in a "high" visual quality evaluation rating?

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

Q. Sure.

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

CHAIRMAN HONIGBERG: Give us a "for instance".

WITNESS DeWAN: A "for instance", okay.

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

BY THE WITNESS:

A. (DeWan) Let's say there is a spectacular lake in the foreground, okay, and this is a scenic overlook that the State of New Hampshire had
promoted. And the transmission line came in your immediate foreground. And, so, what you're seeing, instead of a beautiful view of a lake, now is punctuated by rows of transmission structures, maybe there's a substation off to one side.

Q. So, we need rows of structures and a substation?
A. (DeWan) No. I'm not saying you need all those. You just asked for an example.

Q. Okay.

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

BY MS. CONNOR:

Q. Sir, do you recognize this from your report as a photo of the existing conditions at Signal Mountain Fire Tower?
A. (DeWan) In Millsfield, yes.
Q. Yes. And, as I understand it, you ranked user expectation as "low", because the summit is wooded, so the fire tower affords the only way to gain a view and access is questionable?
A. (DeWan) Could you repeat the question again?
I'm sorry.

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

A. (DeWan) Yes.

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

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

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

A. (DeWan) Yes, we have.

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

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

Q. Were your photos taken from the top of the fire tower?
A. (DeWan) We did not take these photographs. I believe they were taken from on the fire tower. I don't know if they were taken from the top or not.

Q. Did you go to Signal Mountain?
A. (DeWan) I have not been to Signal Mountain.

Q. So, you don't know from what vantage point these photos were taken?
A. (DeWan) I just know they were taken from someplace on the fire tower. We believe they were taken from the top of the fire tower. We weren't there when they took the photographs.

Q. You ranked the extent, nature, and duration of public use at this location as "low", because "if there ever were views from the tower they have been lost to forest growth". How is it you're able to make that statement, when you didn't go to Signal Mountain?
A. (DeWan) From the photographs that we have seen, and looking at air photo information.

Q. Isn't the fire tower situated above the trees?
A. (DeWan) Obviously, it is, because that's where the photograph shows the trees below you.

Q. Then, the views from the tower wouldn't be lost
to forest growth?

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

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

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

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

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

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

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

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

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

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

CHAIRMAN HONIGBERG: Right.

MS. CONNOR: Okay.

BY MS. CONNOR:

Q. Based upon the photosimulations, you determined the visual effect would be medium, because the
lattice structures will extend in a line throughout most of the horizontal field of view, and it is a strong manmade line when seen from the viewer superior position. Correct?

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

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

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

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

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

Q. So, they may still hike up to the top, but you
didn't specifically address whether their view
is going to be diminished, in terms of
enjoyment?

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

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

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

MS. CONNOR: Can we pull up APP36285?

BY MS. CONNOR:

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

A. (DeWan) That's correct.

Q. And we see in the picture that you started with
that we've got a bench out here for viewing?
A. (DeWan) That's correct.

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

A. (Kimball) That's correct.

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

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

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

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

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

Q. You did.

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

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

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

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

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

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

A. (DeWan) We did not.

Q. Did you make any inquiry to determine how many local churches might hold services at the
memorial?
A. (DeWan) We do not have that information.
Q. Do you know whether this is a popular location for wedding ceremonies?
A. (DeWan) I don't know that.
Q. I want to pull up your simulation, which is at APP36288. How many new structures are going to be visible from Inspiration Point?
A. (DeWan) At this location, there are five.
Q. Can you describe the height of those structures?
A. (DeWan) They range between 70 and 110 feet, depending upon their position in the landscape.
Q. Will you agree that the silver color of the lattices' structures will reflect in the sunlight?
A. (DeWan) Under certain times of the day, they may.
Q. You concluded this Project would have an overall medium visual effect, because the Project would add new structures that are taller, it would result in additional clearing, and the structure colors would be more visible when the sunlight reflects off them. Correct?
A. (DeWan) That's correct.

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

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

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

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

CHAIRMAN HONIGBERG: Doreen, off the record.

[Brief off-the-record discussion ensued.]

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

(Recess taken at 2:46 p.m. and the hearing resumed at 3:03 p.m.)
CHAIRMAN HONIGBERG: Ms. Connor, you may continue.

BY MS. CONNOR:

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

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

MS. CONNOR: Can we pull up APP14561?

BY MS. CONNOR:

Q. I think the distinction is whether we're talking about the recreation area as a whole or whether we're talking about Inspiration Point. And, in terms of Inspiration Point, as we can see from that particular page, we have "medium" on user expectation; "medium" on extent, nature and duration; and overall "medium". I don't
see future use and enjoyment on this particular page. But it was my understanding you determined that was "low", is that correct?

A. (Kimball) The impact on --

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

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

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

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

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

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

A. (DeWan) Well, we provided both.
A. (Kimball) The overall visual impact on Slim Baker is "low". The overall visual impact on Inspiration Point is a "medium". And there are a number of bullet points that support that.

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

A. (DeWan) I believe so, yes.

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

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

MS. CONNOR: Could we go back to APP36288.

BY MS. CONNOR:
Q. This is a medium impact, because the new structures don't entirely block the view?

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

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

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

Q. Okay.

A. (DeWan) And we illustrate that in the other
photosimulations that we provided as our analysis of the view from the Slim Baker area.

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

MS. CONNOR: Can we pull up APP14617?

BY MS. CONNOR:

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

A. (DeWan) We recognize it, yes.

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

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

Q. Tourists that are specifically setting out to
go to Shaker Village, they wouldn't necessarily be accustomed to driving under transmission lines, would they?

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

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

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

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

A. (DeWan) This particular part of the byway, I think, is representative of many residential areas throughout most of the northeastern United States. It's not until you get to the more scenic parts as the destination for this
particular byway that people's expectation will grow. You know, the low rating was based upon their expectation of seeing a certain level of visual quality, relative to the Shaker Village and Canterbury Village Center. The fact of the matter is that, when they're traveling along here, they see a lot of forms of human development, including the existing transmission line, local distribution lines, residential properties, and so forth.

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

A. (DeWan) That is correct.

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

A. (DeWan) That's correct.

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

A. (DeWan) That is correct. We did not feel that this was the reason that the Shaker Village Scenic Byway was in existence. It's existence
I think is very strongly connected to the Shaker Village, which is located at quite a distance from the particular -- from the Project. And there is no visibility from there or other resources along the way.

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

BY MS. CONNOR:
Q. Do you recognize this as a photo of the existing transmission corridor as it crosses Boyce Road, looking north, in Canterbury?
A. (DeWan) I have seen this photograph, yes.
Q. Can you describe the height of these wooden structures?
A. (DeWan) I would suspect that the ones on the left are probably in the 45-foot range. The ones on the right, I don't know for a fact, but probably in the 80 to 90-foot range.
Q. Can you estimate for us the distance of the first structure to the road crossing?
A. (Kimball) Is this looking east -- or, north or south down the transmission corridor?
Q. North.
A. (Kimball) Looking north?
A. (DeWan) I think it's hard to tell, because you can't see where the base of the structure is because of the shrubbery in the immediate foreground.

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

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

Q. Yes.

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

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

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

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

BY MS. CONNOR:

Q. Can you describe the height of the new steel structure that's in the immediate foreground?
A. (DeWan) I can't, because we can't see the top
of it from here.

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

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

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

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

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

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

Q. Okay.

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

Q. Am I correct, under the photosimulation of what
is expected for this Project, that now, instead
of about ten structures, we have 17 that are
visible from the road crossing?
A. (DeWan) I think that's more than I would get. When we say "structure", I consider an H-frame to be one structure.

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

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

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

A. (DeWan) We have not evaluated that.

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

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

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

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

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

A. (DeWan) Okay. From the public road, I guess, you know, we probably wouldn't evaluate this,
because we don't consider this to be a tourism
destination.

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

A. (DeWan) In number 17.

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

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

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

MS. CONNOR: Can we go to APP 14425?

They're we go.

BY MS. CONNOR:

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

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

A. (DeWan) Yes. Are you talking about one in the
Q. Yes. And you ranked the extent and duration of public use of the crossing post-construction as a "medium", correct?
A. (DeWan) I don't think we're talking about the Cohos Trail crossing right here.

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

BY MS. CONNOR:
Q. Cohos Trail crossing is right in the middle of that page, is it not?
A. (DeWan) I'm sorry.
Q. You see it?
A. (Kimball) No.
Q. We can blow it up. It's the middle of the first column. It's a heading. And I'm pointing, which doesn't do you any good at all. Okay?
A. (DeWan) Okay. Okay. We're in Stark right now, just north of Percy Road, where it crosses into --
Q. Correct, it crosses.
A. (DeWan) Yes, into Nash Stream Forest, and then crosses over the existing transmission
corridor.

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

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

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

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

BY MS. CONNOR:

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

A. (DeWan) That is correct.

Q. And it's my understanding that your explanation for when you -- well, strike that. When you got back to your comments, how did you rate the
overall user effect of the crossing? Did you rate it medium or low?

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

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

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

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

A. (DeWan) That's correct.

Q. So, this is like the fishermen, like the folks
going to church, the structures aren't preventing the user from accessing the trail is what you mean?

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

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

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

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

Q. And you go on to indicate that it has a low overall score, because the majority of the new
structures will be weathering steel monopoles, which will have a low contrast in color when seen against the forested background. Right?

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

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

Q. APP14425.

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

BY MS. CONNOR:

Q. See that from your report?

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

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

A. (Kimball) This is our report.

MS. CONNOR: All right. I now want to pull up T.J. Boyle's photosimulation of the Cohos Trail crossing, which is Counsel for the Public Exhibit 138, CFP005152. That is the existing. And now can we go to the next page, which will show the simulation?
Q. Would you agree that the structures that are proposed are not weathered steel monopoles, with a low contrast in color?

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

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

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

Q. Oh, right. These structures.

A. (DeWan) Could you repeat.

Q. Sure.

MS. CONNOR: Go back to the prior.

There we go.

BY MS. CONNOR:

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

A. (DeWan) I don't know how the best management practices influences the position of these
structures within the corridor.

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

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

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

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

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

BY MS. CONNOR:

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

A. (Kimball) Those structures -- the lattice structures are located in pretty much the same location as the wooden ones were located in, looking at the aerial photograph here. Maybe slightly more to the side, in fact. The wooden one was, I'm just looking at an aerial photograph of the line, the wooden one was
right in the middle of the existing corridor. And the monopole is to the left side, and the lattice structure is to the right side of where that was, based on the aerial that I'm looking at.

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

BY MS. CONNOR:

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

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

Q. What about the steel monopoles to the left of the lattice? They're further out, are they not?
A. (Kimball) They're further to the left.

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

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

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

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

A. (DeWan) We can agree upon that.

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

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

Q. And would you agree that certainly galvanized lattice and monopoles are more of a -- have
more of a visual impact than wood?

A. (DeWan) Than wood?

Q. Yes.

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

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

A. (DeWan) We agreed upon that.

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

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

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

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

Q. Okay.

A. (DeWan) So, the overall effect on the Cohos
Trail, 160 some odd miles, we feel is low.

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

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

BY MS. CONNOR:

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

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

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

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

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

A. (DeWan) I believe it is.

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

A. (DeWan) That's correct.

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

BY MS. CONNOR:

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

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

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

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

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

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

Q. And let's turn to your simulation, which is at 36092. And, again, because of vegetation, we really can't see a whole lot, other than that the corridor is slightly enlarged, right?
A. (DeWan) Well, you can also see the addition of the new structures.

Q. Okay.

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

BY MS. CONNOR:

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

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

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

A. (DeWan) It does.

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

BY MS. CONNOR:

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

A. (DeWan) That's right. The aerial, immediately adjacent to the road is pretty much low shrubs
Q. In addition to the enlarged corridor, can you describe the different structures that are now going to be visible post-construction from Peaked Hill scenic drive?

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

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

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

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

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

Q. Substantially taller than the existing treeline?

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

Q. And, because this is only a locally designated scenic drive, which would have, in your view,
low cultural value, you didn't assess the impact of this change, right?

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

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

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

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

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

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

[Court reporter interruption.]

BY MS. CONNOR:

Q. Site Rule 301.05(b)(10), which actually we can pull up.
BY MS. CONNOR:

Q. The VIA is to include a description of the measures planned to avoid, minimize, or mitigate potential adverse effects of the proposed facility, as well as any alternate measures considered but rejected by the applicant. So, to summarize, the VIA needs to include both proposed, as well as rejected, mitigation plans, right?

A. (DeWan) That's correct.

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

A. (DeWan) That's absolutely correct.

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

Which of these mitigation techniques is
most effective?

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

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

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

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

A. (DeWan) We were not.

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

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

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

A. (DeWan) There are no other locations that were considered, other than those three areas that...
we've already discussed.

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

A. (DeWan) That's my understanding.

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

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

MS. CONNOR: Can we pull up APP14761?

BY MS. CONNOR:

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

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

Q. And if we go down under "Mitigation Measures", 
can you sort of pull that up so we can read it?

Perfect. You identified in your summary
three -- well, four types of mitigation:
Putting it underground, then the structural
type, vegetation, which you describe as
"maintaining the existing vegetation at river
crossings where possible", right, and then
collocation?

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

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

A. (DeWan) No.

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

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

Q. Sure.

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

MS. CONNOR: Can we pull up -- blow
up number 23, in Stark.

BY MS. CONNOR:
Q. See "vegetation"?
A. (DeWan) Yes.
Q. Which you've defined as "maintaining the existing vegetation", right?
A. (DeWan) This is along the Upper Ammonoosuc River.
Q. Right.

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

BY MS. CONNOR:
Q. Subarea 1, mitigation measure identified as primarily "structure type", correct?
A. (DeWan) That appears quite a few times in that column called "Mitigation Measures".
Q. And we have a few "underground", and we have one "vegetation", in terms of maintaining the existing vegetation.

Let's go to Subarea 2. Again, we have a couple with "underground", some with "structure" -- and the rest, one with "vegetation", then the others with "structure
Q. And, then, the last column, which includes Subarea 4, 5, and 6. Again, "structure type", "maintaining existing vegetation", or "not applicable", right?

A. (DeWan) That is correct.

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

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

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

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

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

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

Q. Outside of Eversource's existing corridor,
correct. Collocating within another existing
corridor. That wasn't considered at Big
Dummer, was it?
A. (DeWan) At the time that this was written, it
was not.
Q. No collation -- collocation, other than being
in the same right-of-way was considered and
rejected, right?
A. (DeWan) It may have been considered and
rejected before we got involved with it.
Remember, this Project has a fairly lengthy
history.
Q. I understand that. But I thought we covered in
the rules that your mitigation summary is to
identify any rejected mitigation measures, and
there are no others listed?
A. (DeWan) These are the ones that, you know, we
were part of the discussion on.
Q. Okay. According to your mitigation summary,
does this mean that the Applicant has no plans
to plant any new vegetation at any scenic
resource, because it's not on this plan?
A. (DeWan) Again, this is the initial Visual
Impact Assessment. And I believe that the
current position of the Applicant is to, you
know, work with underlying landowners, and,
where necessary, to evaluate the potential to
plant additional vegetation in those areas that
are deemed to be necessary, as long as it does
not interfere with the underlying landowner's
current use of the property. I believe the
Committee heard me Mr. Bowes testify to that
effect.

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

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

Q. But, in terms of the Project, which we have on
paper in front of us today on which the panel
needs to make a decision, there is no proposal
for any new vegetation plantings, are there?
A. (Kimball) On this summary, that wasn't included as an overall mitigation effort. But, if you look throughout our report, we identify planting at a number of scenic resources. And I've just looked at Subarea 1, and we have it in five different locations where we call out planting as a mitigation effort to be used on a site-by-site basis, as Terry said, pending permission from the underlying landowner.

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

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

CHAIRMAN HONIGBERG: Ms. Connor.

BY MS. CONNOR:

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

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

Q. Well, as I understand it, and we can pull that
page back up, that was referenced just as a general mitigation measure, not a proposal. Am I correct?

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

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

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

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

BY MS. CONNOR:

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

A. (DeWan) It is.

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

A. (DeWan) We identified a number of places where the DEP had asked -- the Department of
Environmental Protection had asked us to look at and make a determination of whether or not it would be appropriate to establish vegetation as a visual buffer.

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

BY MS. CONNOR:

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

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

Q. How many scenic resources are being impacted by Northern Pass with an expanded corridor of 150 feet?
A. (DeWan) I don't believe there's any.

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

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

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

A. (DeWan) In some places, yes.

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

A. (DeWan) In some locations, yes.

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

A. (DeWan) Not always. Again, it was quite site-specific when we looked at where mitigation measures would be applied. We
looked at hundreds of road crossings, and we came up with a handful of places where mitigation measures were required.

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

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

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

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

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

A. (DeWan) We only -- we only proposed the vegetative buffer where the quality of the
existing visual environment was at a certain level, and the amount of change was also at a certain point. We did a very complex matrix to establish where the changes would be seen from.

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

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

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

WITNESS KIMBALL: Thank you. Sorry.

WITNESS DeWAN: Thank you.

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

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

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

BY MS. CONNOR:

Q. Mr. DeWan, do you recognize this as being the buffer evaluation form that you used in this Maine report?
A. (DeWan) That's part of it. It's not the entire evaluation form, as I recall.

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

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

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

A. (DeWan) I believe so.

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

A. (DeWan) That's correct.
Q. And I'm assuming that the greater exposure, eight seconds or more, generates more points and more of a need for mitigation through visual buffer, right?
A. (DeWan) I believe that's correct.
Q. And, in this case, am I correct that all of the exposures you were talking about are greater than eight seconds?
A. (DeWan) I'm sorry, all of the what?
Q. Exposures of the public to the various structures, even when they're driving by, folks are going to be seeing these structures for more than eight seconds, right?
A. (DeWan) Not necessarily. There are some places where there is existing vegetation, which would limit the view.
Q. Okay. Well, in all areas where the structures are visible. We were talking before about whether the visual effect was high, because they were only going to see it, I thought your number was "45 seconds"?
A. (DeWan) In some places, in MPRP, there was existing vegetation on either side of the road, which would limit the view.
Q. Okay. But I'm not asking about where you can't
see it. But where you can see it, wouldn't you
agree that the structures in this Project are
going to be visible for more than eight
seconds?
A. (DeWan) "In this Project", meaning Northern
Pass?
Q. Yes.
A. (DeWan) I would say that's probably correct, in
many locations.
Q. Okay. And, so, under this buffer form, because
it's going to be a greater than an eight second
impact, we would be on a higher need for having
buffer. And, then again, if existing screening
is to be removed, there's more of a need for
vegetation, right, under Subsection D?
A. (DeWan) In some situations, yes. That was one
of the factors that we looked at.
Q. And, in this case, for example, we looked at
one of the Pemi crossings where, in the
photosimulation, virtually all of the riverside
vegetation had been cleared for the structures?
A. (DeWan) That was the worst case scenario. And
I believe that one of the mitigation measures
we talked about there was to preserve riparian
typography visible from the water
surface.

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

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

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

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

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

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

Q. Okay.

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

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

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

Q. You didn't complete a buffer evaluation form of the type that you are familiar with on any of the 73 scenic resources potentially impacted by this Project, did you?

A. (DeWan) No. It was not required under the SEC rules.

Q. And, instead, in terms of mitigation, you refer to "structure type" and "maintaining existing vegetation"?

A. (Kimball) We refer to "planting" in our list of mitigation measures. That's a summary table that looks at the overall impacts at each of
the sites and a list of broad-stroke mitigation measures. But a more comprehensive list is included elsewhere in our report.

Q. Have you made -- and yet we've talked about that. You still need landowner permission, and you don't have any commitments in terms of any affirmative vegetation mitigation plan?

A. (DeWan) That's a question to be addressed by the Applicant.

Q. Okay. Well, isn't it, in fact, part of the VIA that you're supposed to provide to this panel, so they know what vegetation mitigation measures are going to be undertaken?

A. (DeWan) I believe we've heard a commitment from Ken Bowes that, with input from the Committee, that they're very willing to advance that discussion with underlying landowners, where mitigation measures involving vegetation may be warranted.

Q. Am I correct, sir, that Site Rule 301.05(b)(10) requires you to describe for this panel all mitigation measures considered and/or rejected?

A. (DeWan) I believe we did.

Q. And we don't have affirmative vegetative --
vegetation mitigation plans, do we?

MR. NEEDLEMAN: Objection. Asked and answered.

CHAIRMAN HONIGBERG: Ms. Connor.

MS. CONNOR: Let me rephrase the question.

BY MS. CONNOR:

Q. Do we have any vegetation -- affirmative vegetation mitigation plans?

A. (DeWan) I believe we have an affirmative commitment on the part of the Applicant to work with underlying landowners.

Q. A commitment, but no plans, correct?

A. (DeWan) At this point, we've provided what's required by the SEC. There's no drawings which show where vegetation may be.

MS. CONNOR: I'm going to rest.

CHAIRMAN HONIGBERG: All right. I understand that Mr. Plouffe is going to go next.

MR. PLOUFFE: May I proceed?

CHAIRMAN HONIGBERG: You may.

MR. PLOUFFE: Thank you. Well, for the record, my name is Bill Plouffe, attorney
representing the Appalachian Mountain Club. And I am a part of the NGO group. And a number of areas that I intended to cover have been covered by Ms. Connor, including some questions about specific sites. So, I won't be asking those, and hopefully we can abbreviate the questioning.

BY MR. PLOUFFE:

Q. So, Mr. DeWan, when was Terry DeWan & Associates hired to conduct this visual assessment?

A. (DeWan) I believe it was the first part of the year 2014.

Q. Well, thinking back to our technical session, and I thought you told me it was the Fall or early Winter of 2013?

A. (DeWan) I'll give you -- we actually submitted a proposal for our work in June of 2014. We had initial meetings with the attorneys in January of 2014.

Q. Okay. So, it was --

A. (DeWan) It was around Christmas time of 2013-2014, that season.

Q. Okay. And, when you came on board as part of
the Northern Pass team, you were given the
proposed route for the transmission line by
Northern Pass, is that correct?
A. (DeWan) That is correct.
Q. And am I correct that you did not have a role
in the route selection before it was given to
you?
A. (DeWan) That is correct.
Q. Am I further correct that your engagement did
not include suggesting changes to the route?
A. (DeWan) Macro changes, no. By that, I mean
there a few places where we said, you know,
maybe we could move a pole here or do
relatively minor things there, but --
Q. Generally speaking?
A. (DeWan) General speaking.
Q. You were not engaged to suggest changes to
route, it had already been selected?
A. (DeWan) That's right. As you know, it's a very
complex process, involving a lot of other
professionals.
Q. But you're the visual impact assessment
professional, you're the landscape architect.
Didn't you consider it odd that you weren't
contacted earlier on in the planning process?

A. (DeWan) No. Because we've done so many of these in the past, it's very typical for the visual people to be called in after the engineers, the wetland scientists, everybody else down the line has a chance to evaluate what may be a number of different alternative routes, and then to come up with one preferred option, and the visual people usually get involved at that point.

Q. You have another route where, supposing you had done your initial assessment of this route that was given to you, and you found that there were unreasonable or undue adverse impacts in certain areas. And assume that it was technically possible to change the route, couldn't you have made those suggestions?

A. (DeWan) Well, that's a hypothetical. And, again, we're looking at unreasonableness in terms of the overall Project, not specific sections.

Q. What do you think would have happened --

A. (DeWan) We may have found -- I'm sorry. We may have found places where the visual impact may
have been rated as a "high". Maybe that's what you meant to ask.

Q. Well, let me ask -- let me ask you actually a larger question. What do you think was going to happen if you found that the Project was creating an unreasonable adverse effect on aesthetics, and you couldn't recommend a change to the route?

A. (DeWan) We would make that finding known to our client.

Q. Did your engagement also not include recommendations on burial?

A. (DeWan) We made recommendations -- well, we did an evaluation of the buried portions of the line. So, that is a fact. We did an evaluation. When the announcement was made that they were considering putting the line underground, we did an evaluation of what effect that would have.

Q. But that was not part of your engagement to recommend that to Northern Pass. They came to you with that proposal and you evaluated it?

A. (DeWan) That is correct.

Q. So, when did you begin your fieldwork for the
VIA?

A. (DeWan) April 21st to the 23rd, 2014 is when I see the very first time we set out into the field.

Q. So, you were hired on board maybe January 2014, something like that, and you began your fieldwork in April of 2014?

A. (DeWan) That is correct.

Q. Who in your firm conducted the fieldwork?

A. (DeWan) Primarily, myself and Jessica Kimball.

Q. And I recall from the tech session, there was also a gentleman, David Truesdell, who was involved?

A. (DeWan) He did some field evaluation. Amy Segel did some evaluation. We had some other people that were summer interns that evaluated it, that went with us on some of the fieldwork. But the two of us did the primary, the bulk of the work.

Q. And what role did each of the two of you, and Mr. Truesdell, if he did a significant part of the work? And I thought that you told me that he visited about half the sites with you?

Well, if not, just say so, if that's not the
A. (DeWan) "Half" is such an exact number. I
would say he did a couple of days' worth of
fieldwork with us.

Q. Out of how many days?

A. (DeWan) Well, we did -- we've probably done
several weeks' worth of fieldwork.

Q. And he did --

A. (DeWan) No, no, no. Jessica and I did, total.

In terms of addressing the first part of your
question, what are our responsibilities for the
fieldwork?

Q. Yes.

A. (DeWan) The two of us would decide where to go,
looking at our visibility maps, looking at the
maps of potential scenic resources. We would
lay out a route to travel, to make it as
efficient as possible to travel those places.
We would determine where we had to go within
the identified potential scenic resources. We
would then drive. I was the primary
photographer, Jessica was the primary
note-taker. I would typically dictate
observations. We would discuss the Project and
the potential -- and the existing conditions.
We would usually discuss potential effects when
we're at a scenic resource. And that was how
we conducted our fieldwork.

Q. So, Mr. DeWan, your resumé does not show any
project experience in New Hampshire. What, if
any, visual impact assessments have you
conducted in New Hampshire prior to Northern
Pass?

A. (DeWan) To the extent that the Kancamagus
Scenic Highway involved visual impact
assessment, and we worked on that project for
three years for the White Mountain National
Forest.

Q. How long ago was that?

A. (DeWan) Would be the mid 1990s, I believe. We
did the Interpretive Facilities and --
Interpretive and Facilities Plan for the
Kancamagus Highway. We also did some work for
a transmission line in Portsmouth. We also did
some work --

Q. Could you, before you go on, what is the work
for a transmission line in Portsmouth?

A. (DeWan) I'm sorry. I don't have the exact name
of the project. It was in the industrial waterfront area of Portsmouth.

Q. How long was that transmission line?
A. (DeWan) How many miles or --
Q. Yes.
A. (DeWan) -- or how long did it take?
Q. No. How many miles?
A. (DeWan) I would say a mile and a half or two.
Q. Okay.
A. (DeWan) Public Service of New Hampshire I believe is who we did that one for. We also did --
Q. And was that a visual impact assessment?
A. (DeWan) It was a visual impact assessment. We also did a VIA for a wood-fired generation plant for PSNH in that same general area.
Q. In the industrial area of Portsmouth, is that what you're saying?
A. (DeWan) Yes.
Q. The same general area?
A. (DeWan) Yes.
Q. And that was a visual impact assessment?
A. (DeWan) It was, involving an evaluation of the effects of putting this facility in a location,
doing photosimulations and so forth.

Q. Okay. And, so, those are the three projects
that you had prior to Northern Pass, in New
Hampshire?

A. (DeWan) Those are the ones that come to my mind
right now.

Q. Okay.

A. (DeWan) And there may be more.

Q. Ms. Kimball, your resumé indicates that you
graduated from Dalhousie University in 2007
with a degree in Community Design.

A. (Kimball) Correct.

Q. Dalhousie is in Nova Scotia, is that correct?

A. (Kimball) Correct.

Q. And, after Dalhousie, you worked as an
Assistant Town Planner for the Town of Old
Orchard Beach, Maine, from 2007 until 2010?

A. (Kimball) Correct.

Q. And, as the name of the town implies, that's --
Old Orchard Beach is on the Maine Coast,
correct?

A. (Kimball) Correct.

Q. I'm sure that some people in the room have had
a good time at Old Orchard Beach on occasion.
A. (DeWan) No comment.

(Laughter.)

BY MR. PLOUFFE:

Q. Did you conduct any VIAs or participate in developing VIAs when you were the town planner?

A. (Kimball) No.

Q. So, after Old Orchard Beach, you went to your graduate school at the University of Toronto, where you earned a Master's degree in Landscape Architecture in 2013, and your Master's thesis was on "Adaptive Design Strategies to Deal with the Effects of Climate Change and Rising Sea Levels of Portland, Maine's Commercial Waterfront", is that correct?

A. (Kimball) That's correct.

Q. And then you worked at Sasaki Associates, in Watertown, Massachusetts, for about one year as a landscape designer?

A. (Kimball) Correct.

Q. And what did your job entail at Sasaki, and specifically did you participate in developing VIAs?

A. (Kimball) I was involved in a variety of projects, from campus master planning to site...
design. No technical VIA work, but a number of the campus work that I was involved with looked at the effects of different landscape strategies on the campus. So, looking at different techniques and built works and what their effects might be.

Q. Did you work with any projects in New Hampshire while you were at Sasaki?
A. (Kimball) Not while I was at Sasaki.

Q. And you joined Terrence DeWan & Associates in 2014, according to your resumé. What month did you start at DeWan?
A. (Kimball) July of 2014.

Q. Is it fair to say that, prior to the Northern Pass Project, you had no experience working on New Hampshire projects?
A. (Kimball) I have worked on, prior to the submission of Northern Pass, I worked on a talc mine project --

[Court reporter interruption.]

BY MR. PLOUFFE:

Q. I'm sorry.
A. (Kimball) Talc mine. That was in Vermont. No, this is my only project in VIA work in New
Q. Is it fair to say that your work with DeWan and Northern Pass is your first VIA?
A. (Kimball) No. The Project in Vermont would have been my first VIA.
Q. And that was with DeWan & Associates?
A. (Kimball) DeWan.
Q. And what was that project?
A. (Kimball) It was looking at the impacts of the mining of a talc mine in Vermont.
Q. Where in Vermont was that?
Q. Ludlow. So, when you went to work with DeWan & Associates, did you jump right into the Northern Pass Project?
A. (Kimball) Yes.
Q. Mr. DeWan, I noticed on your website that Mr. Truesdell also joined your firm in 2014, after working at Sasaki, in Boston, or Watertown?
A. (DeWan) That is correct.
Q. When did he start at your firm?
A. (Kimball) October of 2014.
Q. And what experience did he have in preparing
VIAs before he came to DeWan & Associates?
A. (DeWan) I don't believe he had any substantial experience. He worked with Sasaki Associates for ten years, primarily doing master planning and detailed design work for a number of urban design and waterfront projects throughout the United States.

Q. So, urban and waterfront projects are mostly what he did for Sasaki?
A. (DeWan) Yes.

Q. So, did you -- so, on January of 2014, you are engaged on the Northern Pass Project. And shortly thereafter, Ms. Kimball was hired and Mr. Truesdell was hired. Did you kind of expand your employee base to work on the Northern Pass Project? So, they jumped right in on this?
A. (DeWan) That was one of the reasons that we brought Ms. Kimball on, yes.

MR. PLOUFFE: Sorry, Mr. Chairman. I'm just skipping over a number of my questions here, based on they already having been covered.

BY MR. PLOUFFE:
Q. When you were doing the visual impact assessment, did you consult with Cherilyn Widell on cultural resource values?

A. (Kimball) We did communicate with the historic consultants at the Preservation Company and Cherilyn Widell.

Q. So, what was the extent of that consultation?

A. (Kimball) We worked with them on a variety of topics. One being the viewshed mapping. We produced that for them and explained to them the process and how it worked. We worked with them on 3-D modeling. They came to our office for a day or two, and we educated them in the use of 3-D modeling and Google Earth.

We also collaborated with them on a variety of different sites where there was overlap of the public historic sites, such as the Weeks Estate or Webster Farm.

Q. Did you seek advice from them on which sites that were of concern to you had cultural value?

A. (Kimball) We didn't work with them on the cultural value issue, primarily the historic issue or topic.

Q. Does Terrence DeWan & Associates have any
special expertise in cultural values?

A. (DeWan) Could you please define what you mean by "cultural value"?

Q. "Cultural values", as you used it in your VIA.

A. (DeWan) When we use the term "cultural values" or "cultural resources", we reference the SEC rules, where it --

Q. Right.

A. (DeWan) -- where it talks about "natural or cultural landscapes". "Cultural landscapes", to us, essentially means landscapes that are not totally natural. Those that show the effects of the hand of man on their development patterns.

Q. And you rated those, as part of your VIA process?

A. (DeWan) Well, as part of the VIA process, we rated what we saw. Some landscapes were almost totally natural, some of them were almost totally manmade.

Q. And, so, those are your opinions, not those of Cherilyn Widell or the Preservation Company?

A. (DeWan) Absolutely.

Q. And what is your background in rating cultural
landscapes that have manmade elements to them?

A. (DeWan) Could you repeat that please.

Q. What expertise do you have that qualifies you to assign values to cultural landscapes that have manmade elements in them?

A. (DeWan) Certainly, all the work that we have done for wind power over the last 20 some odd years looks at the effects of putting large-scale additions onto the landscape, to the extent that that's a cultural feature in the landscape, that also considers what other sort of development patterns that are in the landscape. You know, we probably have 30 years of experience in doing visual impact assessment.

Q. I understand. I'm asking specifically about cultural landscapes, but I'll just leave it at that.

So, this brings me back to the fieldwork that we discussed earlier, where you and Ms. Kimball took photos and wrote notes on the various identified sites. And Mr. Truesdell joined you in you said "two days" out of approximately 14 days of fieldwork?
A. (DeWan) It may have been a few more days than that.

Q. Okay. About how many?

A. (DeWan) I'd have to go back and look at the time records. Let's say, four days, perhaps.

Q. And then each of you, meaning you, Mr. DeWan, and Ms. Kimball and Mr. Truesdell went back to the office and developed scoresheets for each of the sites to develop an overall visual impact rating. Is that correct?

A. (DeWan) That is correct.

Q. So, for the -- I'm going to say "majority", correct me if I'm wrong, sites that Mr. Truesdell did not visit, when he was doing his overall visual impact ratings, he relied on photographs that you took or someone else took?

A. (DeWan) That is correct.

Q. And I thought you said this morning, in response to Ms. Connor, that your firm never relied just on photographs when assigning visual impact ratings?

A. (DeWan) As a firm, yes. When we do a project like that, and I'm the principal author, you know, I will go out there, look at the site,
collect all the other pertinent data. I'll ask other people in the office to add to the knowledge base that we have about the site, and then make a determination on the overall visual impact.

Q. So, what about this afternoon we heard testimony about the fire tower, and my understanding was nobody from your firm went to the fire tower?

A. (DeWan) That was certainly the exception.

Q. So, it's not always the case that you never work from photographs. And, in Mr. Truesdell's case, he worked from photographs in the majority of the sites when he did his scoring.

A. (DeWan) Well, there's photographs and other data that was supplied to him about the Project. But that's really the exception.

Q. When were the scoresheets prepared?

A. (DeWan) Generally, over the course of the Project, extending out to the time when the VIA was submitted.

Q. Can you be more specific than that?

A. (DeWan) Probably starting when we did -- started to do our initial fieldwork, during the
Summer and Fall of 2014.

Q. And your VIA was October of 2015?
A. (DeWan) I'm sorry. That should have been summer and fall, and then -- and then probably then through the Fall of 2015. So, over the period of probably a year, maybe a little bit more than that.

Q. Well, certainly, they were completed before you submitted your VIA?
A. (DeWan) Absolutely.

Q. Okay. So, the Fall of 2015, early fall?
A. (DeWan) Yes. Yes, they weren't done all at once.

Q. Your scoresheets were based on modifications that you made to the Bureau of Land Management Visual Resource Management System, correct?
A. (DeWan) For that particular evaluation of visual quality.

Q. Yes.
A. (DeWan) The chart you're referring to, it's in our VIA.

Q. Right.
A. (DeWan) An evaluation of existing scenic character.
Q. And, at some point after the field trips Mr. DeWan, you, and after -- and after your cohorts had completed their scoresheets, you asked to see the scoresheets of Ms. Kimball and Mr. Truesdell, is that how this worked?

A. (DeWan) That's correct.

Q. And you compared your scoresheet findings on each of the scenic resources with those of Mr. Kimball -- Ms. Kimball and Mr. Truesdell, is that correct?

A. (DeWan) We evaluated, everybody in the office who worked on it, and had a discussion about what the visual quality would be. That's typically about as to how we have done these sort of projects in the past.

Q. And, as I recall from the technical session, these were generally one-on-one conversations which you had with Ms. Kimball or Mr. Truesdell. It wasn't that you all arrived at one office with your scoresheets and put them on the table and talked about them, and then arrived at a consensus?

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

Q. Okay. And, if Mr. Truesdell or Ms. Kimball's
scores were different from yours, and they
couldn't convince you that they were right and
you were wrong, you, as the primary author of
the VIA, if you will, my word, trumped their
scores and used your scores?
A. (DeWan) I certainly wouldn't use those words.

Let's just say --

Q. I hadn't even thought about that.
A. (DeWan) It's getting late in the day.

Q. Yes. Okay.

A. (DeWan) Should we start again?

Q. Okay. Let me put it this way, --

A. (DeWan) As the primary author, I took other
people's observation into consideration. And
sometimes I could be convinced. They -- and
that's one of the reasons we have multiple
people going out doing observations. That, you
know, it's always good to have fresh eyes, to
record observations both visually and in note
form, and then to discuss it when you get back.

"What did you see?" "How important is it?"

Q. Understood. I think you used the term during
the tech session that you used the scoresheets
to "verify the conclusions" that you had made.
1. Does that sound familiar?
2. A. (DeWan) I don't think that was the exact wording that I said, but --
3. Q. Okay. So, fair to say that these scoresheets provided a foundation for the VIA, and, in particular, the visual impact rating?
4. A. (DeWan) Yes. Plus my own observation, plus the photosimulations, the whole package that we developed went into the rating.
5. Q. And, certainly, your opinion was the highest among equals, let's say? You set the bar, as it were?
6. A. (DeWan) I set the bar. I think that's probably a better way of putting it.
7. Q. Okay. So, these scoresheets were done up through, let's say, September of 2015, before you had finalized the VIA. So, the SEC rules require that Northern Pass conduct public information sessions in each of the five counties through which the Project will pass. In one set of these, and there were three sets of hearings or meetings. One set had to be held before the Application was filed.

Northern Pass made presentations at these
sessions, took questions and comments from the public, and the transcripts of those sessions are part of the record here, they're part of the Application, as they had to be.

So, between September 2nd and September 10th, 2015, sessions were held in Concord, Deerfield, Lincoln, Whitefield, Laconia. The transcripts, which I said were submitted by Northern Pass, identified the Northern Pass team that participated. Your name does not appear, neither does Ms. Kimball's. Did you attend any of these pre-Application public information sessions?

A. (DeWan) On what dates?

Q. They were held between September 2nd and September 10th, 2015.

A. (DeWan) We did not attend those meetings. We did participate in public information meetings in five towns later on in January of 2016.

Q. And that was after your VIA had been completed?

A. (DeWan) That's correct.

Q. And that's after your VIA conclusion that this Project would not cause an unreasonable adverse effect?
Q. Correct. You are aware, I assume, that Counsel for the Public's consultant convened public sessions on visual and cultural resources? They convened their own public sessions on that. You know that, correct?

A. (DeWan) Community workshops, yes.

Q. Yes. Thank you. And were you aware that Northern Pass's consultant, Mr. Nichols, he's a consultant on tourism, testified before us earlier on, I don't think you were in the room, but he testified that he put together what he called a -- I will call a "focus group" of businesses, players in the New Hampshire tourism industry as part of his work?

A. (DeWan) I believe his term "listening sessions", as --

Q. Okay.

A. (DeWan) -- having half a dozen, maybe a few more people showed up.

Q. Correct. Yes.

A. (DeWan) Yes.

Q. Yes. Did you convene any kind of a public session to hear comments on visual or cultural
resources before October 2015?
A. (DeWan) I believe we testified to that, in fact, this morning that we did not.
Q. So, I'm going to show you, and I'm going to the ELMO here, we don't have a high-tech there as prior counsel did. NGO Exhibit 118. And this is an excerpt from the Bureau of Land Management Manual H-8410-1, Visual Resource Inventory, Sensitivity Analysis. This is taken from the BLM Visual Management Resource Systems. And that's the system that you used as part of your methodology for your VIA, correct?
A. (DeWan) It's the system that we use to identify and to rate existing scenic quality.
Q. Right. Thank you. So, the highlighted portion of NGO 118, the BLM manual states, and you can read -- you can see as I read along to make sure I have it correct, "Public Interest. The visual quality of an area may be of concern to local, State, or National groups. Indicators of this concern are usually expressed in public meetings, letters, newspaper or magazine articles, newsletters, land-use plans,
etcetera. Public controversy created in response to proposed activities that would change the landscape character should be considered." That's the end of the quotation.

Would you agree with me that, by October 2015, when you completed your VIA, there had been considerable public controversy around the Northern Pass Project for several years?

A. (DeWan) There certainly has been a lot of discussion within the public realm prior to our involvement.

Q. And that included both the Department of Energy Environmental Impact Statement process, as well as public discourse in the newspapers and otherwise at the state level, correct?

A. (DeWan) That's my understanding.

Q. And there were -- were you aware of that public controversy when you took on this assignment?

A. (DeWan) Yes.

Q. Would you agree with me that, since the Application for this Project was filed, this is also October 2015, there have been thousands of public comments in opposition to this Project, many of them citing impacts on aesthetics that
have been received by the Subcommittee. Would you agree that those public comments are evidence of controversy?

A. (DeWan) I would say those are indication of public concern about the Project.

Q. Are we just talking about a matter of semantics here between "controversy" and "concern"?

A. (DeWan) We also saw some letters that express support for the Project.

Q. Do have any idea what the breakdown is in terms of support versus opposition?

A. (DeWan) I would suspect that the people who are in opposition were probably higher -- had more motivation to submit a letter than those that are in support.

Q. Any idea what the breakdown is?

A. (DeWan) I don't.

Q. No? None at all? Not even an order of magnitude?

A. (DeWan) Order of magnitude? I don't.

Q. Where in your Visual Impact Assessment or your prefiled or supplemental prefiled testimony is there any acknowledgement of the public concern or an attempt to address it?
A. (DeWan) I think it's embedded throughout. I don't think we talked about public controversy, per se. We typically do not, when we write a visual impact assessment. We try to be as objective as possible.

Q. Doesn't the BLM Manual strongly suggest that you pay some attention to the public concern or controversy?

A. (DeWan) Oh, we did. Yes. We read many of those letters, the newspaper articles, the websites, magazine articles. We looked at land-use plans. We looked at every town plan/master plan throughout the area to find out what they have already identified in terms of areas of scenic significance or recreational significance. So, we were certainly aware of the inherent value of the places that we were going through. We weren't walking into this cold.

Q. Nevertheless, even though, let's take Deerfield for example, there is significant opposition expressed by the people of Deerfield to the aesthetic impacts on the Village Center in Deerfield. You found that "Not to worry,
they'll continue to use it. So, it's not a
problem."

A. (DeWan) Again, that's a judgment on continuing
use and enjoyment, which we talked about
earlier.

Q. So, again, you set the bar, and that was your
professional judgment?

A. (DeWan) That's our professional judgment.

Q. So, in preparing the VIA, you also relied, in
part, the on the U.S. Forest Service Manual,
entitled "Landscape Aesthetics: A Handbook on
Scenery Management", is that correct?

A. (DeWan) It's one of the sources that we've
used, yes.

Q. So, I'm now going to show you NGO Exhibit 116.
This is an excerpt from the U.S. Forest Service
Handbook. And maybe you could read for me the
highlighted material from Pages 3 and 4 of the
Handbook.

A. (DeWan) Okay. This is under "Content and
Form". "Content: Some of the most useful
information for scenery management concerns (1)
how constituents use an area and (2) what
visitors and other constituents feel, value,
desire, prefer and expect to encounter in terms of landscape character and scenic integrity."

Going on to the next page, "Combining a constituent assessment for scenery management with other resource inventories should be done when ever possible."

Q. So, would you agree that the U.S. Forest Service Handbook considers public input to be important?

A. (DeWan) Absolutely, because that's their charge. This is a handbook that was written specifically for lands under the control of the National Forest throughout the United States.

Q. Okay. You state in your prefiled testimony that you wrote a Maine State Planning Office report entitled "Scenic Assessment Handbook State Planning Office Maine Coastal Program in 2008. So, I'm showing you NGO Exhibit 115, which is Page 46 in the Maine State Planning Office report, this time I'll read, we can take turns. It states "Visual preference surveys conducted at public meetings during the course of scenic inventories can be a reliable way to identify the most important [sic] landscapes
within a given region." You wrote that
statement?

A. (DeWan) That's absolutely correct. We've been
involved with this area of work for many, many
years. We always like to encourage the
communities that we deal with that the time to
do their scenic inventory is now, not wait till
a project is on the horizon. So, as a result
of this document, this is a why of encouraging
communities to go out and do their scenic
inventories. This was actually picked up by
places like Lincolnville, for example, that
engaged us to use this book to do an evaluation
of the entire town. We also used it as a way
to identify scenic resources in Hancock. In
Washington County.

Q. But, again, you didn't do any public meetings
or solicit public input before you did your
October 2015 VIA?

A. (DeWan) To the extent that communities had
already evaluated places of scenic
significance, and we looked upon their town
plans as the source of information that is the
definitive word at that point as to what they
consider to be important resources.

Q. But you didn't go, with the route for this
Project, to the more than 50 towns, I believe,
that are involved in this?

CHAIRMAN HONIGBERG: No, he didn't.

BY MR. PLOUFFE:

Q. You didn't say that?

CHAIRMAN HONIGBERG: No, he didn't.

BY THE WITNESS:

A. (DeWan) We have testified to that, in fact,
    this morning.

CHAIRMAN HONIGBERG: I got you.

WITNESS DeWAN: Okay.

CHAIRMAN HONIGBERG: No, he didn't.

MR. PLOUFFE: Okay.

BY MR. PLOUFFE:

Q. How many wind power projects have you done VIA
work on in Maine on behalf of developers?

A. (DeWan) I don't have an exact number, but it's
    probably in the vicinity of two dozen or so.

Q. Is it fair to say that you've done most of the
VIAs for the wind projects in Maine?

A. (DeWan) That's a fair assessment.

Q. So, regarding the issue of aesthetics, is the
regulatory standard for wind power projects in Maine similar to that here before the SEC, in that both require a finding of no unreasonable adverse effect?

A. (DeWan) There are certain similarities between both sets of regulations.

Q. "No unreasonable adverse effect" is indeed language that Maine uses, is it not?

A. (DeWan) I believe it's similar to that.

Q. Yes. In your prefiled testimony, you stated that you conducted the VIA in this Project "virtually identical to your previous work for transmission lines and other VIA projects". With respect to your VIAs in Maine wind projects, former Maine wind projects, you, in fact, did not follow your usual practice here, did you, when you omitted intercept studies?

A. (DeWan) Intercept surveys -- studies is a relatively recent addition to the procedures that we go through for wind power projects. We did several before we started to use intercept surveys. And we, as I testified earlier, we have never done intercept surveys for transmission line projects in Maine or
elsewhere.

Q. But, again, with respect to the wind power projects you did, and we heard this earlier today, there are several, Highland Wind, Redington/Black Nubble --

[Court reporter interruption.]

BY MR. PLOUFFE:

Q. -- Highland Wind, Redington/Black Nubble, Saddleback Ridge, Spruce Mountain, and Bull Hill, as of 2012, you had been involved in those cases where either you or your client commissioned intercept studies?

MR. NEEDLEMAN: Objection. Asked and answered.

CHAIRMAN HONIGBERG: Mr. Plouffe.

MR. PLOUFFE: Fine.

BY MR. PLOUFFE:

Q. Bear with me a little bit on this question, if you would. Site Rule 102.56 defines a "visual impact assessment" as the process -- "the process for determining the degree of change in scenic quality resulting from the construction of the proposed facility.

And Site 102.44 defines "scenic quality"
as "a reasonable person's perception of the intrinsic beauty of land forms, water features, or vegetation in the landscape, as well as any visible human additions or alterations to the landscape."

And Site Rule 301.05(b)(6) requires your VIA to contain for a "characterization of the potential visual impacts of the proposed facility...on identified scenic resources [at] a high, medium, or low, based on consideration of the following factors: (a) The expectations of the typical viewer."

Would you agree with me that fundamental to a visual assessment under the SEC rules is some assessment of the expectations of the typical viewer with respect to scenic quality, i.e., the intrinsic beauty and nature of a given scenic resource? I'll repeat that, if you want?

A. (DeWan) Yes. Just the pertinent parts of it please.

Q. Yes. Would you agree with me that fundamental to a VIA done under the SEC rules is some assessments of the expectations of the typical viewer with respect to scenic quality, i.e., the intrinsic beauty and nature of a given scenic resource?
viewer with respect to the scenic quality,
which I would interpret to mean intrinsic
beauty of a given scenic resource?

A. (DeWan) I would say yes.

Q. So, on Page -- in your VIA, on Page M-19, you
define the term "visual quality" as "the
essential attributes of the landscape that when
viewed elicit overall benefits to individuals,
and, therefore, to society in general."

This is a definition in your VIA that's
not in the SEC rules.

A. (DeWan) No. This was written before the SEC
rules.

Q. Okay. The quality of the resource, and I'm
continuing in your definition, "the quality of
the resource and the significance of the
resource are usually, but not always,
correlated."

So, in your definition, I note the term
"elicit overall benefits to individuals and,
therefore, to society in general". What did
you mean by that?

A. (DeWan) It's an evaluation of how society, in
general, looks upon the resource. Is it -- in
what sort of regard is it held? And how they
have evaluated it? Is it --

Q. I'm sorry, in regards of the what?
A. (DeWan) And how it has been evaluated at some
level. In other words, are there National
Forests that we're dealing with? Are there
conservation areas? And it's a way of
identifying those inherent characteristics, how
they may relate to society as a whole. It's a
rather abstract concept, I think.

Q. I think you're right. And how does that
relate, your definition, when you talk about
the "benefits to the individual and society as
a whole", how does that relate to the SEC's use
of the term "intrinsic beauty"?

A. (DeWan) I think there's a correlation here.
The 102.44 definition of "scenic quality" I
think is somewhat open-ended, the fact that it
talks about perception of intrinsic beauty. It
doesn't give us an awful lot of guidance.

Q. Would you agree with me that the term
"intrinsic beauty" connotes, if not denotes,
something more an objective assessment of line,
form, color, and those other objective things
that you landscape architects like to talk
about?
A. (DeWan) There's a lot of ways of looking at
intrinsic beauty. And the way, as you
characterize it, using color, form, line,
texture, etcetera, is one way of describing it.
It's rather a qualitative way of looking at it,
perhaps even might be a quantitative way of
looking at it.

I don't know if I can answer your question
specifically.

Q. Let me ask you another -- are you done,
because --
A. (DeWan) For now, yes. Yes.

Q. Okay. You'll have a further opportunity on
this question.
A. (DeWan) I'm sure.

Q. On this same page of your VIA, your
definitions, you define the term "viewer
effectuation". And I'm quoting, "An estimate of
people's concern of visual quality in the
environment."
A. (DeWan) That's correct.
Q. Do you agree that this is essentially the same
concept as the SEC Rules' concept of "expectations of a typical viewer"?

A. (DeWan) I would think so.

Q. Well, without holding the public meetings and so forth, where did you assess -- how did you come to know, and given your limited experience in New Hampshire, how did you come to know what the expectations of a typical viewer of New Hampshire's landscape are?

MR. NEEDLEMAN: Objection. I think we went through this extensively this morning.

CHAIRMAN HONIGBERG: Mr. Plouffe.

MR. PLOUFFE: I don't -- I was here this morning. I don't recall a line of questioning that was directed to how did he come to his assessment of the expectations of the typical viewer of New Hampshire's landscape?

CHAIRMAN HONIGBERG: Do you understand the question?

BY THE WITNESS:

A. (DeWan) Let me try and answer it. And I don't think there is such a thing as a "typical viewer" of the New Hampshire landscape. You
know, we're dealing with hundreds of different
scenic resources. The viewers, the users of
those resources, all come with a different set
of expectations. The typical of the Mountain
View Grand will be much different from somebody
who's paddling the Pemi. Some people have a --
depending upon the location are going to have a
much more elevated expectation of the scenic
quality or the intrinsic beauty than in other
locations. It's a much -- it's a variable
concept.

BY MR. PLOUFFE:

Q. Let me substitute the actual term of the rule
for a "typical viewer", a "reasonable person's
perception". How did you come to assess the
"reasonable person" in New Hampshire -- or,
"reasonable person's expectations" with respect
to their views of the New Hampshire landscape,
both residents and tourists?

MR. NEEDLEMAN: Same objection.

CHAIRMAN HONIGBERG: You can answer,

Mr. DeWan.

BY THE WITNESS:

A. (DeWan) By looking at, again, for every
resource that we evaluated, you know, we looked at the expectation, the extent, the nature, the duration of the landscape. We evaluated with the information that we had at hand, from our observation in the field, from reading reports, from looking at guidebooks looking at websites. Some places have more information than others. But I don't think we can make a blanket statement about the "average person" or the "reasonable person" relative to the entire landscape.

BY MR. PLOUFFE:

Q. So, after you read the guidebooks and the comprehensive plans with regard to this Project and the route of this Project, you made the decision of what the reasonable person's expectations were?

A. (DeWan) Based upon an evaluation of what we have done leading up to that point.

Q. Correct.

A. (DeWan) And, of course, based upon many other studies that have said that, for certain types of activities, there's an expectation of high, medium, low, or no scenic quality, depending
Q. So, in your -- I'm going to leave that somewhat esoteric subject, I guess, but I think a very important one. The term "intrinsic beauty" is not something that's in the Maine law, correct?

A. (DeWan) Thank goodness, no.

Q. So, your matrix's numeric scoring system, and the results of that which were provided as part of a data request, have scores for the duration of the impact. And this is -- the scores were developed, if we look at that flow chart that is on Page M-2 that's been up on the screen many times. This is part of the visual impact analysis that you do -- that you did. And duration of use is an important factor in your scoring, correct?

A. (DeWan) That's right. I think you initially said "duration of impact" --

Q. I'm sorry, "duration of use".

A. (DeWan) -- of the view. Yes.

Q. Yes. And to score a "high" in the scoring system, and I think we went through this before, but I don't think we got into the specific numbers. It requires a viewer to
spend the equivalent of at least a morning or afternoon, that is greater than four hours. Medium score is, requires 30 minutes to four hours of associated viewing activity. Do you think most hikers who achieve a summit for a viewpoint spend four more hours for the duration of the viewpoint visit?

A. (DeWan) Probably not. And I will say that duration of view is a concept that we developed. And, as we went through here, I don't recall how we applied these to situations like that. But recognizing that certain destinations, when you achieve the top of a peak, it probably should be rated more than the way it's rated right here, the duration of view.

Q. Okay. So, maybe you were not correct in rating of some of the views from trails and so forth?

A. (DeWan) I think this is a starting point we're using for evaluating resources.

Q. So, I was taken by your testimony earlier today on this duration of view issue. And it seems to say that, if I am in my car on a scenic drive in New Hampshire in the fall, and my
expectation is of a bucolic New Hampshire landscape, and I go by a McDonald's, that that's going to have a very limited impact, because I'm driving by at 45 miles an hour. I shouldn't pick on McDonald's as an example, but I will.

Is that basically the concept? How long I'm exposed to this offending feature?

A. (DeWan) Well, I wouldn't -- I'm hesitant to use McDonald's, --

Q. Okay.

A. (DeWan) -- because it's a different type of facility that we're talking about here. And I think the implication was that, when you're driving, you'd see something along the roadside, that's going to have a much different effect than driving along most of the scenic byways and seeing the structure at a distance of, you know, X miles or a half a mile away.

Q. But the methodology that you've used, let me use another example. Billboards. You and I live in Maine, where billboards are outlawed. Not in New Hampshire, I notice that when I come here. So, I drive by, if I'm on a highway, and
I'm driving by one billboard, I see it for maybe five seconds. And that would not register much on your scale at all, in terms of the -- because of the short duration of use?

A. (DeWan) Hard to say, without looking at the actual position and other considerations.

Q. "Ski Attitash".

A. (DeWan) Yes.

Q. Okay. So, I'm continuing on my drive, I'm coming up Route 16, where I really notice them, in another mile I see another one, and another mile I see another one. Isn't that, even though each one individually, under your methodology, doesn't register very much, in terms of negative impact, doesn't the whole experience become affected by billboard, billboard, billboard?

A. (DeWan) If you're talking about -- you know, if we're just talking about billboards, --

Q. Yes. Just talking about billboards.

A. (DeWan) Just talking about billboards, I would say probably so. It's one of the --

Q. And that's why --

A. (DeWan) It's one of the reasons that Maine
outlawed them.

Q. And the Federal Highway Beautification Act outlawed them, correct?

A. (DeWan) It's one of the reasons why Scenic America has gotten where it is.

Q. So, there's an example of something that you flash by in your car, yet the federal government and the government of the State of Maine determined that it has a negative impact on the scenic beauty of the drive?

A. (DeWan) I think that's the underlying assumption.

Q. So, this system, the methodology that you're using, also seems to I'll use the term "penalize" things like scenic byways. Where you say that you drive by the view, and keep going, so, the scoring that you did shows that it has no impact or very little impact on the experience. And I think you say the same thing about trails that have limited views.

A. (DeWan) And, as we -- as I pointed out before, when we talk about "scenic byways", we're not just talking about an individual occurrence. You know, we take into consideration the number
of times that one might see the Project as you
drive along, and, of course, the environment
that it's seen within. And I think we've
identified those places where you do have
multiple viewpoints, and that is a
consideration.

Q. You earlier today with Ms. Connor had a
discussion concerning the importance in your
model of whether or not people will come back
to a site that has had an impact from this
Project. And, in fact, in the conclusion of
your prefilled testimony, you say "There is no
basis to conclude that people will not continue
to drive the scenic byways, visit the parks,
swim at the beaches, canoe and kayak the
rivers, fish in the lakes, hike the trails in
the manner that they have for decades due to
the presence of the Project."

A. (DeWan) That's what we wrote.

Q. And that is part of the conclusion that this
will not -- this Project will not have an
unreasonable adverse effect on aesthetics.

Can you give me an example of a project
whose effects on aesthetics that would be so
severe that people would no longer drive the scenic byway, swim at the beaches, hike the trails, and so forth, in New Hampshire?

A. (DeWan) Not off the top of my head I can't.

Q. So, isn't your statement a tautology? It's always going to be true?

A. (DeWan) Not necessarily.

Q. There's no impact. You can't build a project that's going to keep people from driving the scenic byways or hiking the trails in New Hampshire?

A. (DeWan) It's hard to make a statement with such absolute certainty without knowing the particulars.

Q. Well, I guess maybe the point I'm trying to make here, or ask you about, is whether people will stop coming to New Hampshire and its scenic beauty is really the test that the Subcommittee is supposed to apply here? It isn't, is it?

A. (DeWan) I believe that's one of the tests.

Q. Isn't the test really whether the negative impact on the visual resources is unreasonable?

A. (DeWan) That's the bottom line.
Q. So that people's experience is depreciated, and how much is it depreciated by the Project?

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: Grounds?

MR. NEEDLEMAN: The standards are laid out in the rules. I don't think that's the standard.

CHAIRMAN HONIGBERG: Mr. Plouffe?

MR. PLOUFFE: Tried to summarize the rules, as kind of the commonsense way of it. But I agree with -- I'll stipulate, certainly, that the rules are what they are.

CHAIRMAN HONIGBERG: And he's not the tourism expert.

MR. PLOUFFE: No, but he's made a conclusion that this will not have an unreasonable adverse effect.

CHAIRMAN HONIGBERG: Well, but then you wanted to know "what would cause people not to come?" And that's not -- that's not what he's here to testify about.

MR. PLOUFFE: Oh, but he's -- okay. Well, if you want to sustain the objection, I'll go on.
CHAIRMAN HONIGBERG: I will sustain the objection.

BY MR. PLOUFFE:

Q. We've already talked about the importance of your opinion on things in this VIA, it's your report. And where you set the bar, you agreed with me that you set the bar. So, I want to go a little bit, and just briefly, into where that bar has been set by your firm in the past.

This morning Ms. Connor asked you about the Black Nubble Wind Power Project in Maine?

A. (DeWan) Yes.

Q. And both you and I were involved in that case, as you recall, 2005, 2006, 2007, before the Land-Use Regulation Commission, correct?

A. (DeWan) Black Nubble/Redington.

Q. Black Nubble/Redington, correct, because this is a wind power project on two separate peaks in western Maine. For the benefit of the skiers, these peaks are between Sugar Loaf and Saddleback. Would you generally agree with that locational comment?

A. (DeWan) Generally. Yes. Yes.

Q. Right. And Redington peak was just over
Q. And Black Nubble was just over 3,000 feet in height?
A. (DeWan) Rough numbers.

Q. And, on Redington, the proposal by the developer, who was Edison International and Endless Energy, I believe, the proposal was to put, I'm going to say, I don't remember exactly, 10 to 15 wind towers on top of Mount Redington and a similar number on top of Black Nubble?
A. (DeWan) Again, in round numbers, that's about right.

Q. And the towers -- the wind towers on top of Redington and Black Nubble, from base to the tip of the blade in the upward position, was between 300 and 350 feet?
A. (DeWan) Again, round numbers, that sounds about right.

Q. And with respect to the towers on Redington, they were located within 1.1 miles of the Appalachian National Scenic Trail?
A. (DeWan) As from the top of -- from the top of
Q. South Crocker.
A. (DeWan) South Crocker. I was trying to think what they call between North and South Crocker.
Q. Correct.
A. (DeWan) But not visible from those points.
Q. I would -- it was within 1.1 miles of the Appalachian National Scenic Trail, correct? The corridor?
A. (DeWan) But not visible from the Appalachian Trail, as I recall.
Q. From -- maybe from right on the footpath, but --
A. (DeWan) Not the --
Q. And, with Black Nubble, they were three miles from the Appalachian National Scenic Trail?
A. (DeWan) I recall 3.2 miles.
Q. Okay.
A. (DeWan) Yes. Something like that, yes.
Q. Okay. And the opinion of -- your opinion was that this project would not have an undue adverse effect on aesthetics?
A. (DeWan) And I believe that was before the Maine
Wind Energy Act --

Q. It was.

A. (DeWan) -- was put into place.

Q. It was.

A. (DeWan) Yes. And we were operating under
different rules at that point.

Q. Essentially, your opinion was that it would not
have an undue adverse effect on aesthetics?

A. (DeWan) That's correct.

Q. And the National Park Service came and
testified against the Redington/Black Nubble
Project, correct?

A. (DeWan) There were representatives from the
National Park Service and the Forest Service
there.

Q. And, in fact, the National Park Service
representative was the Superintendent of the
Appalachian National Scenic Trail, correct?

A. (DeWan) That is correct.

Q. And the person from the U.S. Forest Service was
one of the experts in the use of the Forest
Service Manual from senior management, correct?

MR. NEEDLEMAN: I'm going to object

at this point. I don't understand the
relevance of this line of questioning.

CHAIRMAN HONIGBERG: Mr. Plouffe?

MR. PLOUFFE: If you bear with me for a minute, I'll get to the relevance.

CHAIRMAN HONIGBERG: Okay. Soon, I hope.

MR. PLOUFFE: Yes. So, I'm trying to establish where Mr. DeWan's bar is set with respect to unreasonable adverse impacts on aesthetics.

CHAIRMAN HONIGBERG: Under what statute?

MR. PLOUFFE: Under the general term of "undo adverse effect".

MR. NEEDLEMAN: To the extent he was analyzing a New Hampshire project, I would say that might be relevant. I'm not sure how it's relevant in Maine.

CHAIRMAN HONIGBERG: Well, let's find out. We'll take it for what it's worth.

BY MR. PLOUFFE:

Q. Ultimately, the Land-Use Regulation Commission, which has jurisdiction over that project, denied the project based on effects on
aesthetics, correct?

Q. And then the Project was resubmitted just with Black Nubble. Again, you testified in support, and that was rejected?

A. (DeWan) That's correct.

Q. Thank you. I want to talk a little bit about the bare-earth analysis question, that's bare-earth?

A. (DeWan) Yes.

Q. And, originally, you did not use bare-earth, we've heard about that. You went back, did an analysis out to 10 miles using bare-earth to some degree, let me put it that way. So, I think you mentioned that you were part of a New Hampshire study group convened by the Office of Energy & Planning that was charged to hold a public stakeholder pre-rulemaking process to develop the regulatory criteria for siting energy facilities. You were part of that?

A. (DeWan) It was a group that was con -- convened, thank you, convened via conference call. We never met in person.

Q. Okay. There were four working groups, one for
aesthetics, which had 21 members, and you were
a member of that?

A. (DeWan) That is correct.

Q. And there were 9 members of that, in addition
to the 21, who represented industry, is that
correct?

A. (DeWan) I don't have any information on the
membership in front of me.

Q. Okay. I think Mr. Needleman was also a member
of this group, was he not?

A. (DeWan) He may have been. It seems like there
were different people that showed up at
different conference calls. I don't remember
who was on each one.

Q. Okay. When was this?


Q. So, this was when you were working on the
Northern Pass Project?

A. (DeWan) That's correct.

Q. So, the -- Dr. Publicover, from the Appalachian
Mountain Club, co-chaired your group on
aesthetics. Do you recall that?

A. (DeWan) That's right.

Q. And the subcommittee or the group reported back
to the Office of Energy & Planning on June 6, 2014. And their report listed areas where there was consensus on the group and areas where there was no consensus. Do you recall that?

A. (DeWan) I know there was certainly a lot of discussion about what should be in the final rules.

Q. Well, I can show you on the ELMO here relevant pages from the report to refresh your recollection, if you want? So, I'm looking at -- we're looking at Page 3, I believe. There was group consensus along the various interest groups that an application should include a bare-earth ground analysis. Do you see that?

A. (DeWan) I do, on the second page there. Yes.

Q. Did you not agree with that? You were not part of the consensus?

A. (DeWan) I do not recall agreeing to that when -- I don't think there was any formal vote. It's hard to vote on a conference call, but it was more of a consensus.

Q. But that's the report that went to the New
Hampshire Office of Energy & Planning?

A. (DeWan) That's correct.

Q. Did you file any kind of a dissenting opinion?

A. (DeWan) I did not. I expressed -- I expressed some reasons why you use viewshed analyses during the course of these discussions.

Q. So, I'm going to show you --

A. (DeWan) Again, I didn't take notes of what I said. I know that, again, thinking back, what I probably said is that bare-earth viewshed analyses is important in some situations. It may not be applicable in all situations that come before the SEC.

Q. I'm going to show you NGO Exhibit 117. Again, this is the U.S. Forest Service Manual. Do you see that?

A. (DeWan) Yes, 4-5.

Q. Talking about bare-earth conditions. And it says "Vegetation screening...is important for short-term, detailed planning. Normally, vegetative screening is inappropriate to consider in long-term, broad-scale planning"?

A. (DeWan) Yes. I see that.

Q. So, certainly, you're aware that major portions of
of the existing transmission corridor in this Project go back to the early 1900s?

A. (DeWan) Yes.

Q. Yes. So, this is a long-term project, would you agree?

A. (DeWan) It certainly has been so far.

Q. Not just the processing of the Application, but the transmission line project itself will be here for a long time. Correct?

A. (DeWan) I can't predict how long it's going to take.

Q. Isn't this the very scenario that the U.S. Forest Service Manual envisions when it talks about its recommendation for a bare-earth analysis?

A. (DeWan) I don't think so. I think the Forest Service is charged with, among other things, doing forest management plans. And part of that means linking up places where they're going to do harvesting activities. And, so, doing the bare-earth analyses is one way of determining what the public would see when they're driving through different parts of the forest. What resources might be exposed to
view where views might be created. How things may change to the viewing public. You know, we don't have that -- the luxury, in this situation, of having control over all the areas within our viewshed.

Q. So, I'm going to show you NGO Exhibit 123. This was submitted into the record by Normandeau Associates. And it shows a forest harvest activity within the Northern Pass corridor in Dixville. Do you recognize that?

A. (DeWan) I recognize the area, yes.

Q. And do you recognize where the pond is there, Nathan Pond?

A. (DeWan) Yes.

Q. A 22-acre brook trout pond?

A. (DeWan) Yes.

Q. It's accessed by both ATV and hiking trails?

A. (DeWan) Yes.

Q. And you see that bare earth, just to the left of the pond?

A. (DeWan) Yes. Looks like there's recent harvesting there.

Q. Since -- and it's within the past year. And were you --
A. (DeWan) I have no idea when it occurred.

Q. Okay. Well, your report, with respect to this site, Nathan Pond, says that users of this area will simply see the tops of the power line. But, after this harvest, in this working forest, they're going to see a lot more than the tops. Isn't this the dynamic -- the dynamic nature of a working forest that the Forest Service is concerned about?

A. (DeWan) Well, I'm not going to -- I don't know what the effect will be by doing a harvest. I know, just looking at Nathan Pond, there is a strip of trees that surrounds the pond, and I assume those are not going to be cut. And, based upon the topography and the size of the trees, you may see the tops of some of the structures. But the question is, what role will the trees that have not been cut play in the view of the structure?

The other consideration, of course, is where does somebody who's visiting the pond have access to it? I believe that's the Cohos Trail as it runs through on the west side of the pond. And the viewpoint at that point is
looking to the east, and the transmission
corridor is due south.

Q. This is an example, is it not, of a changing
dynamic forest, a working forest in northern
New Hampshire?

A. (DeWan) Yes. I think it's a fair assumption
that working forests are going to have areas
where periodically they're going to be
harvested. There's a variety of different
types of cutting operations, as we see here.

Q. So, the visual situation, if I can call it
that, with respect to the Project is not
static. In the future, there could be insect
infestation, there could be ice storms, there
could be harvesting activities, that's going to
open up views of the Project that we don't have
today?

A. (DeWan) There's always that possibility.

Q. And isn't that a reason to do a bare-earth
analysis?

A. (DeWan) No. Because what you're talking about
is something which is extremely site-specific,
looking at the effect that harvesting in one
particular area may have on the visibility of a
limited number of structures.

I would think, and, again, if this was the Forest Service who was doing this cutting operation, they would do an assessment of the effects of the harvesting on the resource, in this case, Nathan Pond and the trail.

Q. The Forest Service is not involved here. This is Wagner Forest Management and Bayroot.

A. (DeWan) And, as I said, I didn't know who owns this land.

Q. The Yale investment fund. Just to clarify, you screened out a number of resources because they did not have legal access to the public?

A. (DeWan) That is correct.

Q. Or, the public did not have a legal right to be there?

A. (DeWan) That's correct.

Q. So, I'm trying to understand your position on this. So, if I am in a beautiful town, New England town common, surrounded by the iconic white houses with the black shutters, and a number of those houses are on the National Historic list -- Register or eligible to be on the Register. What is the aspect of those
houses that makes the common and the houses
around it of scenic value?
A. (DeWan) One of the things that we look at when
we evaluate those sort of facilities is the
quality of the space, and whether or not the
space is well-defined, it was defined primarily
by architecture or by landscape features, where
the spaces are between the structures, allowing
views to the greater beyond. The quality of
the space within it, whether or not it's
developed or relatively natural. Whether
there's features, such as bandstands, which
provide a focal point for that space. A lot of
considerations when you evaluate a situation
like you're describing.
Q. But you don't -- you did not evaluate the
impact on the structures around the common, in
my hypothetical?
A. (DeWan) In your hypothetical, --
Q. You would not?
A. (DeWan) -- if they're private properties, no.
Q. That's what I'm trying to get at.
A. (DeWan) That's correct.
Q. Well, what is the aspect of the private
properties that makes them valuable from the public perspective?

A. (DeWan) It's the fact that they're defining that space which is seen in the immediate foreground.

Q. It's the exterior of the building, isn't it?

A. (DeWan) Not necessarily. It could be the exterior of the building, it could be the gardens next to it.

Q. Okay.

A. (DeWan) It could be the pathways leading up to it. It's the relationship of the buildings to each other. The relation of the buildings to the street.

Q. My standing in the public common or in the public street have visual access, as a matter of right, obviously, to appreciate those things that make those gardens and homes of value to us as a society. True?

A. (DeWan) Well, if you're -- let's say you're in Whitefield, an example, there's a nice town green right there, I think maybe similar to what you're talking about, except they're not commercial structures. If those were homes,
you wouldn't have any right to go into those structures. The green itself is defined by those pieces of architecture. The public has no right to them.

Q. I understand I can't go in the home. But I'll leave it at that, I know it's getting plate. I'm going to show you NGO Exhibit 114. Again, this is from the Scenic Assessment Handbook, Maine Coastal Program, that you wrote in 2008.

A. (DeWan) That's correct.

Q. And I'd like you to read what's highlighted in yellow, under "Visual Accessibility and Use".

A. (DeWan) Okay. And, again, this was done for the Coastal Program for the State of Maine.

Q. Correct.

A. (DeWan) "By definition, all lands that are identified as scenic areas are either on public lands," -- excuse me -- "are open to the public, or are visible from public viewpoints. At the "high" end of the spectrum are scenic areas that are fully or mostly visible from major public vantage points, for example, on or adjacent to main highways; historic districts.
and village centers; major hiking trails with established, well-marked trailheads."

Q. So, if the church that we saw earlier, which I think was in Deerfield, the white church, if that was not open to the public, you wouldn't have evaluated -- you would not have evaluated the impact of the transmission structure that's going to be built behind that, that church?

A. (DeWan) We evaluated the whole village center. If there was --

Q. I'm saying, if the church had not been open to the public, and you assumed that it was, so you did evaluate that. But if it had not been?

A. (DeWan) Well, as I said before, we evaluated the entire village center.

Q. That brings me --

MR. PLOUFFE: I'm almost done,

Mr. Chairman.

BY MR. PLOUFFE:

Q. Brings me to the other point I was interested in in your testimony, and that's an illustration of it. If there is a very significant negative impact to one of the structures, historic structures in the town, in
the village center, like that church, but the
church is part of a larger area, in your VIA,
you reach your conclusions based on the impact
on the larger area, not on that one resource.
Is that correct?
A. (DeWan) That's how we did the evaluation for
Deerfield, the Deerfield Center.
Q. So, this -- were you in the room when I was
asking I think Ms. Widell about numerators and
denominators, and diluting the effect of an
impact by making the impact be spread out over
a large area?
A. (DeWan) I may have been.
Q. Okay. Is that essentially what you're doing?
A. (DeWan) I don't believe so. You know, our
charge was to look at the scenic resource,
which in this case we considered that to be the
church, surrounded by the village center.
Q. But it's on --
A. (DeWan) And, you know, the "village center", by
definition, was a collection of individual
structures.
Q. And I understood you to say, in response to
Ms. Connor's question, that one of -- it's not
really a mitigation -- well, maybe it is a mitigation measure, is for people to avert their view from what offends them?

A. (DeWan) No. I didn't say that.

Q. Well, I thought you said that --

A. (DeWan) I said, to the reality of it, when you're out on a place, a pond, let's say, if you don't like the view, you know, you can, in your 360-degree viewing area, you can, you know, aim the boat in some other direction, or you can concentrate on your fishing and look straight down.

Q. So, I should just, if I don't like it, look the other way?

A. (DeWan) There's many options. And I think that's one of the reasons that the rules ask for the extent, the horizontal extent of the view, as part of the rules.

MR. PLOUFFE: All right. Thank you, Mr. DeWan and Ms. Kimball.

Thank you, Mr. Chairman.

CHAIRMAN HONIGBERG: All right. I think that will wrap up today. I understand, when we begin tomorrow, Ms. Boepple, from the
Forest Society, will be up. She's going to spend the next four hours refining her questions, so that she's raring to go and be real efficient tomorrow morning.

Is there anything else we need to do before we break for the day?

[No verbal response.]

CHAIRMAN HONIGBERG: All right. If not, we'll see you all tomorrow morning.

(Whereupon the Day 31 Afternoon Session was adjourned at 5:35 p.m., and the hearing to resume on September 12, 2017, commencing at 9:00 a.m.)
CERTIFICATE

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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