



**I N D E X**

**WITNESS PANEL**

**TERRENCE DEWAN**

**JESSICA KIMBALL**

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**P R O C E E D I N G S**

**(Hearing resumed at 9:00 a.m.)**

PRESIDING OFFICER HONIGBERG: Good morning, everyone. We're here for Day 33 of the hearings.

Before we begin or resume questioning of this Panel, I know that there's at least one person who wants to raise some preliminary matter. Ms. Menard, what can we do for you?

MS. MENARD: Good morning. As you know, yesterday there was an order issued regarding friendly cross, and there's an expression or a term that is used that we do not understand, and that expression is the examining party must identify the areas of cross-examination. All set with that. But why the cross-examination is necessary to a full and true disclosure of the facts? And I was wondering at some time if there would be someone that could meet with us to explain what that means and what the standard is and how it is that -- again, that's an expression that we're not truly understanding.

PRESIDING OFFICER HONIGBERG: I'm not going to be able to give you a clarification except

1 the following: That phrase is from New  
2 Hampshire statutes. RSA 541-A. I don't  
3 remember the specific section as I sit here, but  
4 that's a quoted phrase. My recommendation is  
5 you get together with Mr. Roth or Mr. Aslin and  
6 Ms. Boepple and some of the other lawyers in the  
7 room and Mr. Whitley, Ms. Fillmore, Ms. Pacik  
8 who have some familiarity with New Hampshire  
9 statutes, how to read them, how to interpret  
10 them and how to find information about what  
11 those phrases mean.

12 MS. MENARD: Okay. Thank you.

13 PRESIDING OFFICER HONIGBERG: Anything else  
14 we can do for anybody before we resume  
15 questioning? Off the record.

16 (Discussion off the record)

17 Anything substantive? When Mr. Baker is  
18 ready, we'll resume.

19 Mr. Baker, you may proceed.

20 MR. BAKER: Thank you, Mr. Chairman.

21 **CROSS-EXAMINATION**

22 **BY MR. BAKER:**

23 Q Good morning. My name is Bob Baker. I  
24 represent four individual landowners who live in

1           Stewartstown or at least have property in  
2           Stewartstown and in Dummer and in Stark, and I'm  
3           going to get into some questions on procedure  
4           and process with respect to the selection of  
5           visual simulation sites. I won't take long, but  
6           I'm going to get into that in a minute.

7                     But before I do, who exactly is your  
8           employer on this Project?

9           A        (DeWan) We're employed by Eversource.

10          Q        And that is to whom you send your bills?

11          A        (DeWan) We send our bill to an attorney who then  
12                    delivers them to whoever at Eversource that pays  
13                    them.

14          Q        I'm sorry. I missed who you send your bills to?

15          A        (Kimball) Devine Millimet.

16          Q        To the lawyers.

17          A        (DeWan) One of the attorneys for the Project.

18          Q        I understand. So your bill goes to the lawyers,  
19                    and it's processed through the lawyers and  
20                    eventually you get paid.

21          A        (DeWan) That's correct.

22          Q        How much to date have you billed for your work?

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

24          Q        You're the owner and president of your company?

1 A (DeWan) I am.

2 Q When the last time you checked on revenue from  
3 this Project, how much had you billed?

4 A (DeWan) I don't recall. Over the last several  
5 years that we've been involved with, it was  
6 round numbers off of a high 6-digit number.

7 Q High 6?

8 A That's correct.

9 Q So somewhere just south of a million dollars?

10 A (DeWan) In that general vicinity. I don't have  
11 the exact number.

12 Q Okay. Thank you. Now, let's get to the  
13 selection of the visual simulation sites. When  
14 you came on this Project in 2014?

15 A (DeWan) That's correct.

16 Q Was there a list of potential sites for which  
17 you were going to be tasked to do visual  
18 simulations that you were handed?

19 A No. Not really. No. Continue.

20 Q So there was no list?

21 A (DeWan) There was no list.

22 Q What were your instructions?

23 A (DeWan) To perform a professional Visual Impact  
24 Assessment that would meet the criteria of the

1 Site Evaluation Committee.

2 Q So you were asked to interpret what those rules  
3 were and what was needed; is that correct?

4 A (DeWan) That's right, and at that point the  
5 rules that we have now were in draft form.

6 Q I understand. And you went about that task.  
7 Did you develop a list of visual simulation  
8 sites that you were going to recommend to your  
9 client be done?

10 A (DeWan) Yes.

11 Q Okay. And did you submit that list directly to  
12 Eversource or did it go to Devine Millimet?

13 A (DeWan) We, typically, when we have client  
14 meetings we have representatives from both  
15 parties there.

16 Q Well, Devine Millimet is the attorney for your  
17 client, right?

18 A (DeWan) That's correct.

19 Q Okay. And I want to know who reviewed the list  
20 that you submitted.

21 A (DeWan) As I said, when we have meetings to  
22 discuss things like that there's usually  
23 representatives from both parties, from  
24 Eversource and from the attorney sitting --



1 Q I'm sorry. I didn't ask you about meetings. I  
2 said who reviewed the list that you developed.

3 A (DeWan) I could not identify an individual. It  
4 was probably both Eversource and someone from  
5 Devine Millimet.

6 Q I understand. Thank you. Were areas of visual  
7 simulation that you recommended adopted in all  
8 cases?

9 A (DeWan) I don't recall. We're talking about  
10 something that happened three years ago. My  
11 recollection is that we proposed a number of  
12 sites. We did, we did them and those were what  
13 we used to develop the Visual Impact Assessment.

14 Q Did either your client, Eversource, or its  
15 lawyers Devine Millimet instruct you not to do  
16 visual simulations of any site that you  
17 recommended?

18 A (DeWan) No.

19 Q Okay. So if I want to know about a site on a  
20 scenic cultural highway that you did not do a  
21 visual simulation for, can I assume that it was  
22 you who made the decision not to do it?

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

24 Q On the screen in front of you, you have the

1 Project map filed by the Appellant's last, well,  
2 it was maybe 10 days ago. You may not have seen  
3 this specific exhibit because your work was  
4 completed before these were filed, but this is  
5 Appellant's Exhibit 201 and it's page 67847.

6 MS. DORE: And by Appellant, you mean  
7 Applicant?

8 MR. BAKER: Applicant's. Yes. I'm sorry.  
9 Falling back on old abbreviations. Sorry.  
10 Thank you.

11 BY MR. BAKER:

12 Q Applicant's Exhibit 201, page 68747, shows the  
13 Project where it crosses the Woodland Heritage  
14 Trail which is Route 110 in Stark. Are you  
15 familiar with this site where the Project  
16 crosses over the Woodland Heritage Trail?

17 A (DeWan) We are.

18 Q And I'm going to ask you what were the factors,  
19 if any, that you considered in making a decision  
20 not to do a visual simulation at this location?

21 A (DeWan) Well, as you know, we performed the  
22 visual impact assessment based on our  
23 understanding of the area knowing that the  
24 Woodland Heritage Scenic Byway, Route 110, is a

1 scenic resource. That has been established. We  
2 identified where the Project would be visible  
3 from. We looked at another location further to  
4 the east. We looked at a place where the  
5 Project at that location would be visible in  
6 conjunction with some of the mountains that will  
7 be seen in the Nash Stream Forest, and we  
8 decided that would be a representative viewpoint  
9 to use to help the SEC understand the effect  
10 that it may have on this section of the Scenic  
11 Byway.

12 Q Did you know when you made your decision not to  
13 do a visual simulation of the crossing site that  
14 the towers on either side of the crossing site  
15 were all over 100 feet high with one of them at  
16 115 feet and one of them at 130 feet?

17 A (DeWan) We had that information as part of the  
18 information that we used in our VIA.

19 Q Did you make any recommendations on mitigation  
20 here at this site?

21 A (DeWan) I don't believe we made any specific  
22 recommendations for any mitigation measures at  
23 this particular location.

24 Q Thank you for confirming my understanding. I

1 have read a lot of this record, but I'm the  
2 first to admit that reading all of it is a task.

3 So where the Project crosses the scenic and  
4 cultural highway, you made the decision not to  
5 do a visual simulation for the reasons you've  
6 specified and even though there's easy public  
7 access on the roadway here; is there not?

8 A (DeWan) Yes. I should also point out there is  
9 another photo simulation that we did in Stark  
10 just to the left of this image where it crosses  
11 another road going down to the river.

12 Q And that would be on the other side of the river  
13 in Stark, not on the Woodland Heritage side?

14 A (DeWan) Yes.

15 Q Let's go down to the river with our next  
16 exhibit. This is Applicant's Exhibit 201 page  
17 67845 which has been copied onto my screen for  
18 purposes of helping an old lawyer put this on  
19 the visual aids that we have here, but the  
20 Project map itself is the resource that we  
21 should consult if there's any questions about  
22 the questioning I'm going to do right now.

23 Did you study this site at all and make any  
24 determinations about whether or not to do a

1 visual simulation of the Project crossing of the  
2 Upper Ammonoosuc River?

3 A (DeWan) Yes, we did.

4 Q And what was your conclusion with respect to  
5 this?

6 A (DeWan) As you know, we did prepare a photo  
7 simulation of this from a viewpoint along  
8 Northwood Road.

9 Q But it was on the road. Not the river crossing  
10 itself.

11 A (DeWan) That's correct.

12 Q And by the road, we would be talking about North  
13 Road which is to the left of the river and two  
14 towers removed from the river.

15 A (Kimball) It's Northside Road I believe is the  
16 road that you're referring to.

17 Q Northside Road. Yes.

18 A (Kimball) That's the location of the photo  
19 simulation. Correct.

20 Q So no visual simulation was done of the lines  
21 crossing the lines and the towers on the  
22 riverside or riverbanks. Correct?

23 A (DeWan) That's correct. In order to get there,  
24 we would have had to cross private property.

1 Q Really? You know that this is the Northern  
2 Forest Canoe Trail?

3 A (DeWan) The river is.

4 Q Yes. You've done work on rivers before, haven't  
5 you?

6 A (DeWan) I have.

7 Q You've done it from a boat?

8 A (DeWan) Quite a few times.

9 Q Okay. Let's go to a boat. This is a photo of a  
10 canoer. Sorry. We have to go to ELMO. Can we  
11 do that, and I apologize when we get this up.  
12 There is a bright streak on the right side  
13 created by the plastic covering of this  
14 photograph because it has been used as a  
15 placemat.

16 But I think you can see the canoe is in the  
17 river and beyond him the current wooden  
18 structure for the Coos Loop on the Northside  
19 Road side of the river. Do you see that?

20 A (DeWan) I do.

21 Q And this is what you would have seen if you had  
22 gotten in a boat and gone up the Ammonoosuc  
23 where the hang time, by the way, is quite a lot  
24 because you're going upstream if you put your

1 canoe in on the Groveton side.

2 Couldn't you have done a visual simulation  
3 of this using a photograph taken from a canoe.

4 A (DeWan) We could have.

5 Q And did you think of that?

6 A (DeWan) We did.

7 Q Why did you determine not to do that?

8 A (DeWan) We looked at the resources here. We  
9 anticipated what the viewer would see and  
10 experience based upon the information that we  
11 had in front of us. We wrote a very detailed  
12 description that's found on page 1-93 of our  
13 Visual Impact Assessment outlining the effects  
14 that the new structures, new conductors would  
15 have on somebody paddling on the river.

16 Q And what did you conclude?

17 A (DeWan) Our conclusion, again, this is on the  
18 same page, the Northern Pass Project will result  
19 in a very visible but localized change in the  
20 landscape near the river. Open fields between  
21 Northside Road and the river will allow some  
22 views to the structures and conductors from the  
23 river. Dense cover southwest of the river will  
24 restrict visibility to the line to the immediate

1 corridor. The Project will not change the  
2 inherent character of the river. Views of the  
3 proposed structure will create a noticeable but  
4 relatively short change to a scenic part of the  
5 river and should not change the way people now  
6 use and enjoy the river for paddling and other  
7 water-based recreational pursuits.

8 Q You recognize that instead of this wooden  
9 structure, and three relatively thin conductors,  
10 lines to conductors and probably a communication  
11 line, there's going to be two structures for  
12 every wooden structure in this photograph,  
13 correct?

14 A (DeWan) We described that in our Visual Impact  
15 Assessment.

16 Q Right. Right. And it would have been a simple  
17 task for you to superimpose those structures on  
18 a photograph such as this to show the relative  
19 impact that it would have when that wooden  
20 structure is removed and two other structures  
21 are replacing it that are approximately twice as  
22 high as the wooden structure, correct?

23 A (DeWan) It's not a simple process of. It  
24 requires a lot of mathematics and computer



1 manipulation to do that.

2 Q Well, let's see if you can critique what I'm  
3 about to do.

4 MS. DORE: Mr. Baker, will we have that  
5 lovely tray as an exhibit as some point?

6 MR. BAKER: This will be an exhibit. It  
7 will be CS 94, and because it's currently a  
8 placemat, and I don't have access to any staff,  
9 we have not prepared it properly for the  
10 Committee. It will be done.

11 Q Now, my technique is subject to severe  
12 criticism. These are twist ties.

13 A (DeWan) This is highly original.

14 Q How hard is it to create something like this  
15 that would look more real for a landscape  
16 specialist such as yourself?

17 A (DeWan) As I said before, using the computer  
18 technology that we have available to us, what we  
19 do, as you know, match a computer model with the  
20 photograph and then through digital manipulation  
21 make it appear real.

22 Q Right. And it would still be your conclusion  
23 that a canoeist on this river passing this site  
24 would not have their visual experience changed

1 by this Project in a negative way?

2 A (DeWan) Well, I read you our conclusion before.  
3 When we look at impacts on resources, and,  
4 again, we're dealing with a couple of resources  
5 here, on the river, the river itself is 110  
6 miles long. The Northern Forest Canoe Trail is  
7 a system of rivers and lakes and streams in New  
8 York, Vermont, Quebec, New Hampshire and Maine  
9 that's 740 miles long. So when we think about  
10 the resource here, the Northern Forest Canoe  
11 Trail is more than a simple crossing. So our  
12 task, as we understand it, from the SEC rules is  
13 to evaluate the impact on this particular  
14 resource. Not this particular photograph or  
15 this particular location.

16 Q All right. And it becomes your subjective  
17 judgment based on your experience, correct?

18 A (DeWan) Based upon our professional experience  
19 working in situations like this.

20 Q Right, as opposed to the informed judgment that  
21 might be created if you interviewed people who  
22 use the Northern Forest Canoe Trail.

23 MR. NEEDLEMAN: Objection.

24 MR. BAKER: I think it's a straightforward

1 question. I see no reason for objecting to it.

2 MR. NEEDLEMAN: What's your grounds?

3 MR. NEEDLEMAN: I don't understand why  
4 their professional opinion would be subjective  
5 but other people's views would be objective.

6 MR. BAKER: It seems to me that if a survey  
7 had been done or any attempt had been made to  
8 determine from people who use this resource how  
9 they would react, we would have a more objective  
10 measure of what the impact is.

11 PRESIDING OFFICER HONIGBERG: I'm not sure  
12 I agree with you, but for the limited purpose  
13 that I understand you want, you can answer the  
14 question.

15 A (DeWan) If we were to do a survey that you're  
16 referring to, there's a lot of logistical  
17 questions. I'm assuming that you would then ask  
18 people who are actually on the river using it  
19 which means that you would have to position,  
20 somebody would have to position themselves out  
21 there, and then show them a representative  
22 viewpoint. This would probably not be a  
23 representative viewpoint. Somebody who's  
24 canoeing the river usually looks straight ahead.

1 Not to one side. And so we would, you know,  
2 show a -- we've done this before on other  
3 rivers. You select a viewpoint where it would  
4 be seen in your horizontal area view, roughly a  
5 45 degree angle from the canoe or kayak that  
6 you're in --

7 Q I understand. But you didn't do that either,  
8 did you?

9 A (DeWan) -- maybe downstream. So you would then  
10 present an image to the present in the people in  
11 the canoe or kayak and ask them in a before and  
12 after format, what would your reaction be to the  
13 continuing use and enjoyment of not just this  
14 location but the entire river stretch.

15 Q I understand, but you didn't do either.

16 A (DeWan) We did not do that.

17 Q You did not do any surveys, and you didn't do a  
18 visual simulation looking down the river at this  
19 site?

20 A (DeWan) That's not totally true. If you go to  
21 the visual simulation that we prepared from  
22 Northside Road, you can see this particular  
23 hillside and what it would look like with the  
24 structures in place.

1 Q But not from the perspective of what you see on  
2 the river, correct?

3 A (DeWan) Not, well, this is the view that we  
4 performed looking over the fields adjacent to  
5 the river.

6 Q You didn't do a view from the river, correct?

7 A (DeWan) We did not do a view from the river.

8 MR. NEEDLEMAN: Mr. Chair, for the record  
9 we object to this exhibit.

10 PRESIDING OFFICER HONIGBERG: Okay. There  
11 were no food stains on it. That wasn't the  
12 grounds, right?

13 MR. NEEDLEMAN: The placemat is fine. We  
14 just object to the twist ties.

15 A (DeWan) I don't think he also positioned them in  
16 the exact location they are going to be. They  
17 will be pushed back quite a ways from the edge  
18 of the river.

19 MR. BAKER: Does the objection still stand  
20 if I remove the food?

21 MR. NEEDLEMAN: I like the food on there.  
22 That's effective.

23 MR. BAKER: Can we go back to my computer  
24 now?

1 BY MR. BAKER:

2 Q What we have before us now is a Key Observation  
3 Point document from the Final EIS Volume 2  
4 Appendix E which I believe has been filed by the  
5 Applicants as Exhibit 205 in the last few days.  
6 It is a huge document, portions of which I have  
7 been able to unload on my computer, but,  
8 fortunately, I had a hard copy of the document.  
9 This is taken from the EIS website itself where  
10 I was able to get to this document.

11 If you look at the orientation map, you  
12 will see that the observation point is on Route  
13 145, also known as the Moose Path Trail Scenic  
14 and Cultural Highway. And it purports to have  
15 taken a photograph of a station, if you see that  
16 word on there, is that, I'm not sure if I need  
17 to blow this up for you.

18 A (DeWan) Yes. I can see that. That's the  
19 Transition Station.

20 Q And this is Transition Station No. 3 which I  
21 believe the Committee is familiar with because  
22 they did a site visit along this road.

23 And the photograph that we're about to look  
24 at is taken from the Young Cemetery which you've

1           been and where you've done some visual  
2           simulations looking in a slightly different  
3           angle to the Northwest. Do you recall that?

4       A     (DeWan) We've actually done two photo  
5           simulations of this general area.

6       Q     Right. And what you did was you took a photo  
7           from the Young Cemetery to the northwest looking  
8           up the transmission line but not including the  
9           location of the proposed Transition Station No.  
10          3, and then you went down the road, downhill,  
11          and took a photograph back up looking uphill at  
12          where or across a field where Transition Station  
13          No. 3 would be. Do you recall that?

14      A     (DeWan) I do.

15      Q     And my question is going to be why didn't you  
16           just take a step to your left from this location  
17           and take a photo of the area where Transition  
18           Station 3 would be and then do your visual  
19           simulation from there?

20      A     (DeWan) I don't understand what you mean by a  
21           step to the left from this location.

22      Q     Well, a turn, a slight turn to the left. If you  
23           had, after taking your visual simulation of the  
24           transmission line, if you had turned to your

1 left, you would have been looking at the area  
2 where Transition Station No. 3 is. You could  
3 have taken two photographs from the same spot.

4 A (DeWan) I believe that location they are blocked  
5 by trees.

6 Q Did you move around the trees at all?

7 A (DeWan) Well, we moved up and down the entire  
8 area, as you know, that we looked at the variety  
9 of different viewpoints, and we felt in looking  
10 at the southerly one where we did our simulation  
11 that shows the top of the Transition Station  
12 that it showed both the Transition Station as  
13 well as some of the structures leading to it as  
14 well as the portion of the underground line that  
15 would be seen from Route 145 on the west side of  
16 the road.

17 Q Okay. Moving down the document --

18 MS. DORE: Mr. Baker, I'm sorry to  
19 interrupt you. Because we cannot identify the  
20 page of Applicant's 205, do you mind if you  
21 filed that exhibit as your Exhibit 95 as a  
22 separate exhibit?

23 MR. BAKER: I have another exhibit that I'm  
24 marking as 95, but we could do 96.



1 MS. DORE: Absolutely.

2 MR. BAKER: CS 96. Yes, I will submit this  
3 as Exhibit 95 along with the placement when I  
4 get everything done. Thank you.

5 MS. DORE: Thank you.

6 BY MR. BAKER:

7 Q So this document now shows the clean view of  
8 what the area is where the Applicant proposes to  
9 build Transition Station No. 3. Do you  
10 recognize this?

11 A (DeWan) This is the view from Route 145 looking  
12 west.

13 Q Correct. It's a layered landscape, rather  
14 colorful; do you agree?

15 A (DeWan) I would agree.

16 Q And then when Transition Station No. 3 is placed  
17 in it by this visual simulator that was used for  
18 the Environmental Impact Statement, we see what  
19 Transition Station No. 3 would look like from  
20 that location. Do you see that?

21 A (DeWan) I do.

22 Q Do you agree that that roughly is what it would  
23 look like from this location or do you need to  
24 know more?

1 A (DeWan) I know -- could I make a few comments on  
2 it? I do not agree that this is what it would  
3 look like.

4 Q And the reason is because the underground line  
5 is going to be moved?

6 A (DeWan) Let me explain.

7 Q Yes.

8 A (DeWan) In the preparation of the work that went  
9 into the Draft EIS and the Final EIS, T.J. Boyle  
10 Associates made the statement that their photo  
11 simulations shows what the Project would look  
12 like three to five years after installation.  
13 Okay? This photograph is taken, I don't see a  
14 date, it was probably a year or two ago. And so  
15 I don't know how long this process is going to  
16 take to receive final site approval. Let's  
17 assume that it was built three years from now.  
18 Their photo simulation should have shown what it  
19 would look like, say, five years after it was  
20 installed. So during that time, those trees  
21 that are in the immediate foreground would have  
22 achieved probably another 8 feet, maybe 10 feet  
23 of height.

24 And the other thing which it does not show,

1 and we talked a little bit about mitigation  
2 yesterday, one of our recommendations has been  
3 to do some plantings around this area. There  
4 may be other things that we could explore, too,  
5 to minimize the view of this.

6 The bottom line is that most of the  
7 Transition Station after it was installed and  
8 after that 3- to 5-year period would be pretty  
9 much absorbed by the vegetation that's  
10 immediately surrounding it right now.

11 Q Okay. Well, let's go to an exhibit that you  
12 prepared of this Transition Station just to show  
13 the contrast, and I understand that you've  
14 recommended some plantings, that there would be  
15 some more growth here, but the growth in the  
16 foreground that you mentioned, that doesn't  
17 belong to the Applicant, does it?

18 A (DeWan) I believe that it does. By the  
19 foreground, we mean the immediate vegetation  
20 adjacent to the Transition Station, not that  
21 which is right next to the road.

22 Q No. I'm talking about what is next to the road.  
23 That could be taken down by a Road Agent or the  
24 owner of the land at any time they felt that it

1 was appropriate.

2 A (DeWan) Yes, and that's not the vegetation I'm  
3 referring to.

4 Q Okay. You're referring to the small fir trees  
5 in front of the Transition Station here?

6 A (DeWan) There is a series of evergreen and some  
7 deciduous trees just this side of it.

8 Q Okay. Let's go to yours. Bear with me. Some  
9 technological issues need to be overcome.  
10 Rotate view.

11 This is Applicant's Exhibit 71, page 36149.  
12 And do you recognize this as a visual simulation  
13 document that you prepared?

14 A (DeWan) That is correct.

15 Q Moving down, is this your untouched view of the  
16 Transition Station No. 3 site?

17 A (Kimball) It says existing conditions.

18 Q I'm sorry. I didn't hear you.

19 A (Kimball) It says existing conditions.

20 A (DeWan) Yes. What you referred to as an  
21 untouched view, right.

22 Q This is a photograph taken without having  
23 simulation placed in it to show what we would  
24 look at if the Project was constructed.

1 A (DeWan) This is what it would look like if you  
2 go out there today.

3 Q Okay. And going to the next page --

4 MS. DORE: And we just looked at page 36152  
5 and the next page will be?

6 MR. BAKER: The next page is 36152,  
7 correct, of Applicant's Exhibit 71.

8 Q And this is your view of what that same  
9 Transition Station would look like taken from  
10 further down the hill on Route 145 standing on  
11 the shoulder of the road, correct?

12 A (DeWan) The Transition Station plus the  
13 underground route plus at least two of the  
14 structures.

15 Q And would you agree with me that your simulation  
16 does not show nearly as much of the Transition  
17 Station as the simulation prepared and used in  
18 the Final EIS that we looked at a few minutes  
19 ago?

20 A (DeWan) Well, I would agree with that. I would  
21 also say that one of the reasons that we did the  
22 simulation was to talk about another mitigation  
23 measure that we explored and our client agreed  
24 to, and, namely, when the underground route --

1           could you move it back, please?

2       Q     Oh, I'm sorry.  Yes.  I didn't realize I was  
3           interrupting your testimony.

4       A     (DeWan) That's fine.  That's fine.  I wish I  
5           could point on this screen, but just to the  
6           right of the Transition Station, you'll notice  
7           there's a pathway coming down through the woods.  
8           That's the underground section.

9       Q     Yes.

10      A     (DeWan) Okay?  And we felt that having a  
11           straight line which I think the engineers  
12           probably would have preferred to get from that  
13           point to the point where it crosses underneath  
14           145 may be a contrast in line.  Remember we  
15           think about contrast.

16      Q     Yes, I understand that you recommended and the  
17           Applicant has accepted putting a little S curve  
18           in the line.  I understand that.

19      A     (DeWan) That is correct, and that's what the  
20           purpose of this photo simulation was to show;  
21           that when somebody is driving down Route 145  
22           going north, this is what they would see.

23      Q     My only point in all of this is that there are  
24           different points of view from which you can take

1            photographs of sites, and this particular site,  
2            Transition Station No. 3, from further up on the  
3            hill on the Moose Path Trail shows more of the  
4            Transition Station as prepared by another  
5            landscape specialist than the one that you  
6            selected to give to this Committee. Is that  
7            correct?

8            A    (DeWan) It does show more of the Transition  
9            Station at a particular point in time.

10          Q    Okay. We're almost done.

11          A    (Dewan) Could I make a comment on -- I know that  
12          you wanted to talk about Key Observation Points,  
13          and I think one of the things that we wanted to  
14          explore was the whole concept of receiving  
15          regular public use. I know that when the FEIS  
16          was prepared, they talk about what they thought  
17          was a parking lot overlooking this area. When  
18          actually the parking lot is just a little bit to  
19          the north providing access to the cemetery. And  
20          this is, while we've prepared this to show a  
21          view from the road, it's probably not the sort  
22          of place that people stop to observe the  
23          landscape here. This is a roadway that's lined,  
24          as you can see in the photograph here, by

1           vegetation, intermittent vegetation, alongside  
2           the road. The one view that was contained in  
3           the Draft EIS was at a 90 degree angle from the  
4           roadway. And as we discussed before, and I  
5           believe you agreed, that when you're on the  
6           river or any type of moving experience, you  
7           pretty much look ahead within a 45-degree angle  
8           of view, and so the view off to one side  
9           generally would not be within your angle of  
10          view.

11        Q    You may travel the river different than others.  
12            You certainly travel it differently than I do.  
13            I'm looking at the banks of the river all the  
14            time. I find them fascinating.

15                    Now, I'm showing you a document that I'm  
16                    going to mark and submit as CS Exhibit 95. This  
17                    is a document that was clipped from the Northern  
18                    pass website in October of 2015, and it's got  
19                    all kinds of identification marks on it. Is  
20                    this work that you did? Looks pretty identical  
21                    to what we just --

22        A    (DeWan) I'm sorry. I thought you had the same  
23            illustration up.

24        Q    It is your work, is it not?



1 A (DeWan) I believe it is. Yes.

2 Q And when you were working on this Project, did  
3 you have a lawyer that you retained to help you  
4 with the work?

5 A (DeWan) No.

6 Q We're going to blow up the bottom of this. I  
7 don't know if you can read the bottom. Do you  
8 see that? The typed language at the bottom?

9 A (DeWan) Yes.

10 Q It says, and correct me if I'm wrong, Northern  
11 Pass Visual Impact Assessment Draft  
12 Attorney/Client Privilege Work Product. March  
13 26, 2015. You see that?

14 A (DeWan) Yes.

15 Q Now, this was posted on the publicly available  
16 website of Northern Pass. Who put that data on  
17 there? Was that you or someone else?

18 A (Kimball) I believe we --

19 Q I'm specifically speaking specifically, "Draft  
20 Attorney/Client Privilege Work Product."

21 A (Kimball) That would have been us, and the  
22 attorney would have been our client.

23 Q Was that a standard practice for all of the work  
24 in draft that you did?

1 A (Kimball) Generally.

2 Q Why do you do that?

3 A (DeWan) I think that's a legal question. We  
4 were instructed by our attorneys on any  
5 correspondence pertaining to the Project to add  
6 that phrase.

7 Q So anything that you did in draft you submitted  
8 to whom, the lawyers or the client?

9 A (DeWan) As I said before, much of the  
10 correspondence that we had went to the attorneys  
11 with copies to the client.

12 Q And so what happened to it then?

13 A (DeWan) What happened to what then?

14 Q The correspondence, documents, drafts that you  
15 sent to the attorneys with copies to the client?

16 A (DeWan) They would be reviewed by the attorneys  
17 and the client.

18 Q Are the attorneys visual assessment experts?

19 A (DeWan) Excuse me?

20 Q Are the attorneys visual assessment experts like  
21 yourself?

22 A (DeWan) No, they're not.

23 Q Why would they review it, if you know?

24 A (DeWan) It's part of the work product that we

1 do. They review every part of the Application.

2 Q And would they comment on your work product and  
3 have you make changes?

4 A (DeWan) They would certainly comment on it. You  
5 know, that's part of the process that we go  
6 through in any Project to review a Project for  
7 relevancy, for accuracy. We always have, we  
8 send it to the client, of course, to make sure  
9 that the engineering aspects are correct, the  
10 heights of the structures are correct.

11 Q So every document that we're looking at that's  
12 been filed in this case has been reviewed not  
13 just by your client but by their attorneys,  
14 correct?

15 A (DeWan) I believe so.

16 Q Okay. Thank you. I have no further questions.

17 PRESIDING OFFICER HONIGBERG: Is Ms. Saffo  
18 here? I think the answer to that is no. All  
19 right. Then I have Ms. Percy next on my list.

20 (Discussion off the record)

21 PRESIDING OFFICER HONIGBERG: Ms. Percy,  
22 you may proceed.

23 **CROSS-EXAMINATION**

24 **BY MS. PERCY:**

1 Q Good morning, everyone.

2 A Good morning.

3 Q I am Susan Percy. I am the spokesperson for  
4 Dummer, Stark, Northumberland. Also the  
5 Intervenor for the Percy Summer Club, and I  
6 always say that I feel like I represent the  
7 public because we're going to be talking about  
8 public access today in the area of Stark  
9 primarily. Okay?

10 So I understand you spent quite a bit of  
11 time in the Dummer/Stark/Northumberland area  
12 getting to know what's special about that place,  
13 is that right?

14 A (DeWan) Spent quite a few days in the general  
15 area.

16 Q Was it only in 2015 that you were in there or  
17 did you go back on several occasions?

18 A (DeWan) Back on several occasions.

19 Q Okay. And so in 2016?

20 A (DeWan) Yes.

21 Q 2017?

22 A (DeWan) Yes.

23 Q Thank you. Would you agree it's a pretty  
24 special place?

1 A (DeWan) Yes, I would.

2 Q So the hiking trails in the Nash Stream Forest  
3 which is represented on this photograph and  
4 larger photograph?

5 A (DeWan) Which I cannot see.

6 Q The larger one? You want to see the larger one?

7 A (DeWan) The one that the Committee sees? Does  
8 that have the hiking trails shown on it?

9 Q No.

10 A (DeWan) Okay.

11 Q So in the area of the proposed right-of-way  
12 expansion in Northern Pass Transmission line  
13 development include trails up to the slide on  
14 Long Mountain. That is not on there. Bald  
15 Mountain which is on there. And that is --  
16 that's on there. I'm going to show you in a  
17 minute. Victor Head. The Percy Peaks also on  
18 there. And Potters Ledge, among others. Were  
19 you able to inspect the views from all of these  
20 viewsheds?

21 A (DeWan) We've been to Percy Peaks. We've been  
22 to Victor Head. We actually tried to get to  
23 Potters Ledge a couple weeks ago. We were  
24 unsuccessful.

1 Q Okay. That's interesting. Is that because of  
2 the new cut-through? Tell me why you couldn't  
3 get there.

4 A (DeWan) We sent somebody up with there with the  
5 instructions that we had looking for a point of  
6 access. We looked on -- we checked a number of  
7 different resources. We found somebody that had  
8 attempted to go there a year or two ago and had  
9 left bread crumbs, digital bread crumbs on a  
10 map. The person that did this followed what  
11 appeared to be a access point through the woods  
12 which actually petered up and ended up in  
13 somebody's house. They tried another trail.  
14 They were faced with a sign that said Access to  
15 Local Residents Only. At that point, there did  
16 not seem to be any other access ways to get up  
17 to the ledges.

18 Q Okay.

19 A (DeWan) We looked on a number of sources  
20 including documentation from SPNHF, for example,  
21 that talked about the resources there, and none  
22 of these showed any trail access to the ledges.

23 Q Thank you. I don't want to go to the trust  
24 issue again, but there is access.

1           Unfortunately, the State of New Hampshire two  
2           years ago, not this past summer, the summer  
3           before, did some selective patch cutting in that  
4           area, and the person you sent up probably saw  
5           that.

6           MR. NEEDLEMAN: Mr. Chair. I'm objecting.  
7           This is testimony.

8           PRESIDING OFFICER HONIGBERG: It is, but  
9           there may be an "assume that's true" and a  
10          question that's going to follow, but I'm not  
11          sure. You want him to assume that's true, and  
12          then ask him a question about that?

13          MS. PERCY: I do. Yes.

14          PRESIDING OFFICER HONIGBERG: Okay.

15          BY MS. PERCY:

16          Q       Given that we know that the signs or the posting  
17                along the trail have been altered somewhat, in  
18                fact some of the trees were taken down, would it  
19                be helpful for you to have a rendering of that  
20                path directly to Potters Ledge from the Cohos  
21                Trail?

22          A       (DeWan) It would have been helpful had I known  
23                that it existed.

24          Q       Right. I'll get that to you.

1 A (DeWan) I don't think it would have affected our  
2 evaluation. What we did is selected viewpoints  
3 that were representative of the higher elevation  
4 views in the area.

5 Q Okay. Thank you. Would you agree that Victor  
6 Head is a pretty special place that has vistas  
7 looking out on the White Mountains from multiple  
8 viewpoints?

9 A (DeWan) It is a point. In Nash Stream Forest we  
10 do get a long-range view overlooking Christine  
11 Lake.

12 Q And so it looks over the Pilot Range; is that  
13 correct?

14 A (DeWan) That's correct.

15 Q And then the White Mountains are behind that?

16 A (DeWan) That's correct.

17 Q Thank you. Did you experience and document from  
18 there the clearly visible view of the existing  
19 Eversource distribution line right-of-way to be  
20 expanded and enlarged that contained the new  
21 proposed transmission line?

22 A (DeWan) Yes. And you've seen that in our Visual  
23 Impact Assessment as a photo simulation.

24 Q Yes, we'll get to that.



1 A (DeWan) Actually, two photo simulations.

2 Q Yes. Okay. Thank you. Could you see any  
3 structures?

4 A (DeWan) I believe you can. They're not highly  
5 visible at that point.

6 Q Okay. Thank you. Did you inspect the views  
7 from Bald Mountain which has panoramic?

8 A (DeWan) Did not.

9 Q And that overlooks the Mahoosuc Range to the  
10 east. And you didn't go there?

11 A (DeWan) Did not go there.

12 Q Okay. So you can't comment on Bald Mountain?

13 A (DeWan) Cannot.

14 Q And you didn't inspect Potters Ledge which you  
15 just talked about. So my understanding is that  
16 the only visibility of structures is actually  
17 from Potters Ledge. You can't confirm or deny  
18 that though; is that true?

19 A (DeWan) When you say structures, are you talking  
20 about existing or proposed?

21 Q Existing. Right.

22 A (DeWan) I can't comment on that.

23 Q Okay. And so let me go back to Victor Head.  
24 When you were on Victor Head, and I know you

1           have a photo of it, I'm puzzled that you would  
2           see structures. Can you -- and I don't have  
3           that, and I apologize because I just never  
4           thought you would say there were structures  
5           visible. I don't believe that there are, but do  
6           you have a picture that suggests that they are  
7           visible?

8       A     (Kimball) I believe I should pull up the  
9           original photograph, but I believe we used the  
10          existing structure locations as part of our  
11          alignment to complete the visualization.

12       Q     Okay.

13       A     (DeWan) I don't know if you were here yesterday  
14          or not, but we talked about the term  
15          "visibility" and what that means.

16       Q     Right.

17       A     (DeWan) When Jess talks about aligning our  
18          computer model with the photograph, it doesn't  
19          necessarily mean you can see them with the naked  
20          eye. What we have to do is enlarge them on the  
21          computer screen so we know exactly where they  
22          are. So they may not be visible, but when you  
23          enlarge them you might be able to see the tops  
24          of structures which we then use to align the

1 computer model of the same scene.

2 Q Great. That is hugely helpful.

3 So you probably did not see the current  
4 line from Victor Head with the naked eye then;  
5 is that correct?

6 A (DeWan) When you say the line, the line to me is  
7 the existing transmission corridor which is the  
8 line in the --

9 Q Not the corridor.

10 A So I don't remember, and it was several years  
11 ago, whether or not we, I've seen a lot of  
12 structures since then, whether or not we saw  
13 individual structures at that point. If we did,  
14 I would say they were probably classified as  
15 faint.

16 Q Okay. Thank you. So when you identified the  
17 tower heights in the right-of-way stretching in  
18 through Stark, from Dummer and then southwest  
19 into Northumberland, was that based on maps  
20 provided to you?

21 A (Kimball) The structure heights and locations?

22 Q Yes.

23 A (Kimball) It was based on data.

24 Q Just data. So you didn't have any maps?

1 A (Kimball) The data is a spacial mapping of the  
2 Project.

3 Q So if we go to the next ELMO?

4 MS. DORE: Susan, are you going to file  
5 that picture as an exhibit?

6 MS. PERCY: Yes. They have numbers on  
7 there. DNA/PSC 102.

8 MS. DORE: 102. Thank you. Susan, the  
9 previous one was 101?

10 MS. PERCY: 100.

11 MS. DORE: 100. Thank you.

12 MR. NEEDLEMAN: Were there going to be any  
13 questions about the pictures?

14 MS. PERCY: Yes.

15 PRESIDING OFFICER HONIGBERG: Which one?  
16 This one?

17 MR. NEEDLEMAN: The one that we just took  
18 down.

19 MS. PERCY: No. I used it to show which  
20 heights, which mountains are visible in there.  
21 Did you want to ask them a question?

22 PRESIDING OFFICER HONIGBERG: This is your  
23 turn to ask questions. He did ask a question  
24 there, but that was a legit question to see if

1 he was planning on objecting to something.  
2 Apparently he chose not to. But you're up, your  
3 turn to ask questions.

4 MS. PERCY: Thank you.

5 BY MS. PERCY:

6 Q So I've got to figure out where we are.

7 So you didn't see this map? And use this  
8 map?

9 A (Kimball) This map is made up of the data  
10 components that we received that we could look  
11 at through our computer software so the various  
12 components on this map were available to us to  
13 use through our computer program.

14 Q Great. And so do you see the Portland Natural  
15 Gas pipeline on this map?

16 A (Kimball) No.

17 A (DeWan) We can barely read the writing on the  
18 bottom of the map here.

19 Q Can you trust me that it's not on there?

20 MR. CUNNINGHAM: We can enlarge it, can we  
21 not, Pam?

22 Q When I look at this map, I don't see the  
23 Portland Natural Gas pipeline either.

24 A (DeWan) I would guess I would have to look at

1 the key on the bottom of the page there, and,  
2 quickly, I don't see any reference to a natural  
3 gas pipeline.

4 Q Okay. So next one. We saw this yesterday with  
5 Karen Spencer, but I just want to circle back to  
6 it. This is your rendering of the tower heights  
7 that you're based on standing on the Percy Road  
8 and I think the Meacham Road, is that correct?

9 A (DeWan) Primarily on the Percy Road.

10 Q Okay. And so in siting the towers that you have  
11 there or the structures that you have there, did  
12 you move them in order to accommodate the  
13 Portland Natural Gas pipeline? Where it's  
14 located in the right-of-way?

15 A (Kimball) Those towers are representative of  
16 where they're located within the right-of-way.  
17 Has nothing to do with the pipeline location.

18 Q Well, we're going to be adding two more  
19 structures or one more structure to one that's  
20 already there that will be moved, and the  
21 Portland Natural Gas pipeline already runs  
22 through the right-of-way, and it's a fairly  
23 narrow 150-foot right-of-way. So I'm just  
24 wondering in this rendition that you have here,

1 did you take a look at the entire right-of-way  
2 but recognize where you have to, where the new  
3 towers have to go in in relation to the Portland  
4 Natural Gas pipeline?

5 A (DeWan) What this represents is a cross-section  
6 between Percy Road through the residential homes  
7 adjacent to Percy Road at right angles through  
8 the two structures at the point where you took  
9 the cross-sections. You can see those elevated  
10 on this plan at the bottom of the page.

11 This was done in response to a request by  
12 the Site Evaluation Committee following a site  
13 visit to help them understand what may or may  
14 not be visible from residential structures on  
15 Percy Road. And by that we understood they  
16 wanted to find out what would be visible above  
17 the ground. There's no indication, no  
18 discussion about what may or may not be  
19 underground at this location. We relied upon  
20 information from the client, from the engineers  
21 that provided this to give us accurate data  
22 relative to the witnesses of the right-of-way,  
23 the heights of the structures and so forth.

24 Q Okay. And so in that conversation with the

1 engineers, they probably, would you guess that  
2 they told you where the Portland Natural Gas  
3 Pipeline was so that you would then be able to  
4 adjust where the towers are?

5 A (Kimball) Just to clarify, we don't ever adjust  
6 the engineers' data that they give us. If they  
7 tell us that a structure is at point X, we  
8 assign it to point X.

9 Q Okay. It's a puzzle for us that I would  
10 think -- that's okay. I don't have a question  
11 for it.

12 MS. DORE: Susan, that's Exhibit?

13 MR. CUNNINGHAM: 101.

14 Q I note that in your, in the photographs and  
15 drawings that you've presented that the heights  
16 are based on estimates; is that correct?

17 A (Kimball) The heights are based on what we  
18 received from the Applicant's engineers.

19 Q So the estimates, where does that come from?  
20 Does that come from you or is that from the  
21 engineers?

22 A (Kimball) I don't know what reference to  
23 estimates you're referring to.

24 Q On all your documents you have the word



1 estimate. Project estimates.

2 A (DeWan) That's right, because these are not  
3 final construction documents.

4 Q Right.

5 A (DeWan) Those are drawings in progress. They  
6 represent the best understanding of the Project  
7 components as developed by the professional  
8 engineers who developed this.

9 Q So if the engineers have to change the tower  
10 height, would that, would that change your  
11 perception of the area that you've evaluated?

12 A (DeWan) Well, you've asked an open-ended  
13 question. You know, if the tower heights were  
14 to go double the height, it probably would. If  
15 we're talking about a change of a couple of  
16 feet, it probably would not. We talked about  
17 this yesterday during a discussion on de minimis  
18 changes.

19 Q And so what would not be de minimis?

20 A (DeWan) I would not be able to answer that at  
21 this point. It will vary according to many,  
22 many factors.

23 Q So from the houses on the Percy Meacham Road,  
24 you identify tower top visibility from four

1 structures; is that correct?

2 A (Kimball) We identify visibility from two  
3 locations.

4 Q But they'll be -- sorry. Two locations, four  
5 structures will be visible.

6 A (Kimball) Within the cross-section, right.

7 Q And so, again, going back to if there's a slight  
8 change, even if it's five feet, say it's five  
9 feet, and it rises above the tree line, would  
10 that change how many structures would be  
11 visible?

12 A (DeWan) Again, we have to address that question  
13 on a very specific basis. Which structure are  
14 you talking about, where on Percy Road or any  
15 road you'd be looking at, at what point in time  
16 are we talking about, realizing the trees grow  
17 and in five years they're going to add several  
18 more feet of height. There's a lot of moving  
19 parts here, not the least of which is nature.

20 Q All right. I'm going to skip a few of these.

21 So I want to go to, I believe you said you  
22 took two hikes. Is that correct? In the Nash  
23 Stream Forest?

24 A (DeWan) I don't believe I said two hikes.

1 Q Not today, but in your report there are two  
2 hikes referenced. You did the Percy Peaks?  
3 Someone on your team?

4 A (DeWan) Somebody else went to, yeah, somebody  
5 else went to Percy Peaks.

6 Q And were you, did you hike Victor Head, Terry?

7 A (DeWan) I did.

8 Q And you determined that there's no adverse  
9 impact of the proposed transmission line from  
10 Victor Head; is that right?

11 A (DeWan) We don't make a determination of adverse  
12 impact.

13 Q I'm sorry. Visual.

14 A (DeWan) We drew a conclusion. We showed it in  
15 our photo simulations.

16 Q So can we do that photo simulation there? That  
17 one? Yes. And this is your photo simulation on  
18 Victor Head?

19 A (DeWan) There's one of them. There are two that  
20 make up a set here.

21 Q The other one looks over, is pointed southwest.  
22 It's on to the right of that tree. Does that  
23 ring a bell?

24 A (DeWan) That's correct.

1 A (Kimball) That's correct.

2 Q Thank you. So does this photo meet 301.01 which  
3 requires unobstructed views?

4 A (DeWan) When we took this photograph -- you  
5 know.

6 A (Kimball) Sure. I mean, from this location, we  
7 took, I believe, about 90 photographs from  
8 Victor Head cliff, and then made a selection of  
9 the panoramic series that would best represent  
10 the view. So if you're referring to the  
11 construction of the tree in the foreground, that  
12 was present in every single photograph that we  
13 took in that collection of 90.

14 Q Okay. Great.

15 A (DeWan) That's another reason why we presented  
16 two photo simulations here just so people would  
17 see what it would look like looking to the right  
18 of this photograph.

19 Q Right. Thank you. Can we put up?

20 MS. DORE: That was Exhibit DNA 100.

21 Q So T.J. Boyle also hiked Victor Head, and he  
22 took a photograph. Have you seen this  
23 photograph?

24 A (DeWan) I have.

1 Q And so can you, as it comes up, the first, the  
2 top one is your photograph that you took from  
3 Victor Head and selected out of the 90. And  
4 then T.J. Boyle moved slightly to the left on  
5 the same ledge and took this photograph.

6 A (Kimball) The photograph that we have in our  
7 photo simulation is taken from a larger  
8 panoramic view. So if you look on page 1-98 of  
9 our report, you can see the full panoramic  
10 expanse of what you would see from Victor Head  
11 cliff. Where the photo is taken between those  
12 two trees would be stepping right to the very  
13 ledge to look between two of the trees. You can  
14 see them on other side of that photograph.

15 Q Right.

16 A (Kimball) We wouldn't have been able to achieve  
17 a panoramic view from this angle. So if you  
18 look slightly to the right, you're going to see  
19 a tree. If you look slightly left, you're going  
20 to see a tree. So it was our professional  
21 judgment to pull back and allow the full expanse  
22 of the view to be represented in the panoramic  
23 image.

24 A (DeWan) We try and achieve the experience of

1           what a hiker will see once they're on a location  
2           like this.  And at this particular point, we  
3           consider this to be a framed view.  It's a  
4           beautiful view, obviously, but it's framed by  
5           trees in the immediate foreground.

6   Q       The second picture, is that what you're  
7           referencing?

8   A       (DeWan) As the one on top of the -- I'm looking  
9           at my screen.  Sorry.  On page 1-99 of our  
10          report we provided a panoramic view which shows  
11          what probably the 90-degree view would look like  
12          from somebody standing on the ledge.

13   Q       So actually, it's a photograph.  So I apologize.  
14          But this is the second one.  This is the, this  
15          is the panoramic view that you are referencing?

16   A       (DeWan) No.

17   Q       That's the other side of the tree?  And that is  
18          looking to Lost Nation Road?

19   A       (Kimball) The panoramic view is present in our  
20          report page 1-99.

21                MS. DORE:  We just looked at Counsel for  
22                the Public?

23                MS. BOEPPLE:  138.

24                MS. DORE:  138.  Page?

1 MS. BOEPPLE: 003763.

2 BY MS. PERCY:

3 Q Okay. So I just want to go back to the --  
4 sorry. Art, can you go back to the photograph?

5 MS. BOEPPLE: Switch back. Sorry, Dawn.

6 Q So in doing a panoramic shot which is the second  
7 photograph that you have here, and I apologize  
8 for not having that.

9 A (DeWan) Sorry. It's not coming up yet on our  
10 screen.

11 Q I don't have it.

12 A (DeWan) There it is. Thank you.

13 Q Oh, sorry. You have the two now?

14 A (DeWan) I do.

15 Q Do you think that despite the fact that you're  
16 looking at a panoramic view that the viewer  
17 would actually look straight ahead, as you were  
18 saying, on the river, that they look in this  
19 narrow window and then could move over on the  
20 other side of the tree and look at the Lost  
21 Nation right-of-way?

22 A (DeWan) Well, I would assume that the average  
23 viewer when they go up there do the same thing  
24 we did. Arrive there, look at the ledge which

1 is 50 feet or so in length, and look at these  
2 various corridors through the existing trees,  
3 most of them take a photograph like we did, and  
4 gain an impression of the landscape down below.

5 As I said before, the photograph that we  
6 provided in our VIA, the experience of being  
7 there as I remember it is one where you feel  
8 like you're on the ledge but sort of in the  
9 forest; that there's trees in your immediate  
10 foreground that provide the frame for this view.

11 Q Great. Thank you. And so in this, in this  
12 view, and I'd like to use T.J. Boyle for the  
13 moment, the transmission line rises all the way  
14 along the corridor, is that correct? The  
15 proposed transmission line?

16 A (DeWan) What do you mean by it rises?

17 Q All the lines, all the towers are visible?

18 A (DeWan) The structures are taller than the  
19 existing structures.

20 Q Yes. Not the existing structures. The existing  
21 structures are not visible.

22 A (DeWan) No, I said that they'll be taller than  
23 the existing structures.

24 Q Yes. By about another 50 percent, right?



1 A (DeWan) I don't know the exact numbers.

2 Q They're about 90 feet high. Currently, they're  
3 at 45. Does that sound right?

4 A (DeWan) Perhaps.

5 Q I have to ask a question.

6 So if in this rendering, in this photograph  
7 actually, the transmission line would be visible  
8 along the entire right-of-way?

9 A (Kimball) We're looking at a photo simulation so  
10 we can see the structures that are visible in  
11 this photo simulation. It's photo simulated.

12 Q Actually, if we go to yours, I think yours has  
13 the photo simulation. This one does not.

14 A (Kimball) This is the photo simulation. It says  
15 it in the caption at the bottom of the  
16 photograph.

17 A (DeWan) This is one of those "Where's Waldo"  
18 situations. I can make out the monopoles. I  
19 can see maybe 8 or so of them. There's one  
20 right in the middle of the image. I think this  
21 is a good illustration of how effective the  
22 weathering steel monopoles can be in these  
23 situations because they do blend so well with  
24 the background.

1 Q Can we go to your photograph? I mean the next,  
2 your photograph? Sorry. Top one.

3 So if we do the same zooming in on it?

4 A (DeWan) Well, first of all, you know, there are  
5 guidelines about how you should look at them.

6 Q No, I know. I understand that. Just because we  
7 zoomed in on the same thing, the same  
8 photograph.

9 A (Dewan) We did that to try and find them, yes.

10 Q Yes. So on this one, and that's why I think  
11 that there's a difference between how these, the  
12 photo simulations were prepared, and there is a  
13 difference when that happens, is that correct?  
14 When different people prepare photo simulations  
15 there can be a difference?

16 A (DeWan) They're also done at different times of  
17 the day. There's a lot of variables that go  
18 into creating these.

19 Q So in the photograph that, in the photo  
20 simulation that you took, we now have better  
21 visibility of the lines and the tower  
22 structures, right?

23 A (DeWan) Could you repeat that question, please?

24 Q In the photograph that you took, photo

1 simulation that we have here, there is better  
2 visibility of the tower lines and the --

3 A (DeWan) I don't know what I mean by better  
4 visibility. The view would be very much the  
5 same. You would see the same thing. And again,  
6 as I said before, we really should not be  
7 looking at it with this amount of enlargement.  
8 That's not realistic.

9 Q Okay. I'm going to skip ahead. Given your  
10 experience in and review of the area, would you  
11 say that the Nash Stream Forest and the Kauffman  
12 Forest have wonderful hikes available for hikers  
13 of all abilities?

14 A (DeWan) I can't testify to people of all  
15 abilities. I've hiked, you know, a few of the  
16 trails. Trails I've been on, I would certainly  
17 classify them as wonderful. Yes.

18 Q Terrific. Thank you.

19 A (DeWan) That's not a technical term. That's a  
20 personal term.

21 Q Thanks. Would you say that this area is largely  
22 untouched by industrial development?

23 A (DeWan) When you say this area, you're talking  
24 about Nash Stream Forest per se?

1 Q Yes. That whole area around Christine Lake,  
2 that whole watershed.

3 A I think that's one of the characteristics of the  
4 area.

5 Q Okay. Thank you. So the last question. I know  
6 you covered Dummer Pond in previous testimony  
7 and so, or questioning, and so I just want to go  
8 back over one area of it. Dummer Pond sits, Big  
9 Dummer Pond sits within the town of Dummer, and  
10 so when there was an adverse impact identified  
11 by the New Hampshire Division of Historic  
12 Resources, did that align with your Visual  
13 Impact Statement?

14 A (DeWan) That was on a very specific structure  
15 that was on Big Dummer Pond.

16 Q Yes.

17 A (DeWan) That was a private residence, as I  
18 understand.

19 Q Yes, but it qualifies under the New Hampshire  
20 Division of Historic Resources. And so I don't  
21 want you to comment on that. But the siting of  
22 the towers, of the transmission line, and the  
23 expansion of the transmission line at Big Dummer  
24 Pond have been identified as having an adverse

1 impact on the structure; is that correct?

2 A (DeWan) I have not reviewed that document.

3 Q But in your review of Big Dummer Pond, does that  
4 transmission line that stretches across that  
5 entire lake and is clearly visible, is that  
6 significant for you? Does that have a visual  
7 impact that's significant?

8 A (DeWan) Well, we provided a Visual Impact  
9 Assessment as part of our documentation.

10 Q Did you rate it as significant?

11 A (Kimball) We gave it an overall visual impact  
12 rating of medium.

13 Q Medium. Thank you very much. That's all I  
14 have.

15 PRESIDING OFFICER HONIGBERG: The next name  
16 I have on my list is Mr. Van Houten. Not here,  
17 however. Mr. Palmer?

18 We'll take a ten-minute break.

19 (Recess taken 10:20 - 10:35 a.m.)

20 PRESIDING OFFICER HONIGBERG: Mr. Palmer,  
21 you may proceed.

22 MR. PALMER: Thank you, Mr. Chairman.

23 **CROSS-EXAMINATION**

24 **BY MR. PALMER:**

1 Q My name is Walter Palmer. I am the spokesperson  
2 for the Intervenor Group that consists of  
3 Abutting Property Owners along the portion of a  
4 route from Bethlehem to Plymouth which is the  
5 proposed underground portion of the route. So  
6 my questions today will be focusing on the  
7 underground portion of the route.

8 In your Prefiled Testimony from October 16,  
9 2015, your conclusion was that the Underground  
10 Portion of the route will, quote, not result in  
11 any measurable visual effects. Is that still  
12 your conclusion today?

13 A (DeWan) We have not gone back and reevaluated  
14 that section of the line, but I think in  
15 general, that was our conclusion. I know  
16 there's been a lot of discussion about where  
17 exactly the line may be located relative to the  
18 paved portion of the road.

19 Q Right.

20 A (DeWan) So when we issued that report, it was  
21 based upon that assumption.

22 Q So based on the information that was available  
23 at that time, that was your conclusion.

24 A (DeWan) That's correct.

1 Q So it was very simple then really. Underground,  
2 out of sight, no visual impacts, right?

3 A (DeWan) In a very simplistic way, yes. That's  
4 the way we looked at it.

5 Q Except as it turns out now, it's not anywhere  
6 near that simple, is it?

7 A (DeWan) I don't know. I have not been involved  
8 in any of those discussions.

9 Q Right. Well, would you agree with me that the  
10 word "underground" is not, from a visual impact  
11 assessment point of view is not a magic word and  
12 that there can be such things as visually  
13 obtrusive underground infrastructure corridors?

14 A (DeWan) I guess I would have to understand what  
15 are the components of a Project that results  
16 in --

17 Q Okay. So I'm talking about the kind of --

18 PRESIDING OFFICER HONIGBERG: Please don't  
19 interrupt him. Mr. DeWan, you were saying?

20 A (DeWan) I would have to understand what are the  
21 components that you may be referring to.

22 Q All right. Let me give you just a description,  
23 the type of underground infrastructure corridor  
24 that we've all seen which involves clearance of

1           vegetation, and basically a scar through a  
2           forest or through a suburban neighborhood.  
3           Would you not describe that as visually  
4           obtrusive?

5       A     (DeWan) Again, as a generality, starting with an  
6           undeveloped forest land piece of property, and  
7           adding a transmission corridor, yes, it would  
8           result in a visual change.

9       Q     Okay. So there can be underground corridors  
10           that are visually obtrusive as opposed to those  
11           that may be less visually obtrusive.

12      A     I think that's a fair statement.

13      Q     Okay. So then the movement of a power line from  
14           an overhead plan to an underground plan would  
15           not necessarily mean that you've eliminated all  
16           of the visual impacts if you do it in an  
17           underground corridor which has been, is built in  
18           a visually obtrusive way, is that right?

19                   I know that the argument has been made that  
20           moving 60 miles of this power line from an  
21           overhead power line to an underground power line  
22           eliminates the visual impacts along that 60  
23           miles. So my question to you is it's entirely  
24           possible that it does not eliminate visual



1 impacts if the underground portion is done in a  
2 visually obtrusive way?

3 A (DeWan) That's right. If you were simply to  
4 take Point A and Point B and go underground,  
5 yes, you wouldn't see the structures or the  
6 conductors, but the pathway that it follows, you  
7 know, requiring clearing of trees and so forth  
8 could be significant.

9 Q Okay. So are you aware that Route 116 is a  
10 State-designated scenic highway?

11 A (DeWan) We are. Portions of it are.

12 Q Okay. And are you aware that it passes through  
13 White Mountain National Forest? Of course  
14 you're aware of that.

15 A (DeWan) Yes.

16 Q Are you aware that these are country roads and  
17 they are the only routes through that area, and  
18 that those of us who live on that road have no  
19 way to avoid the road itself? We must use that  
20 road every day several times a day? We are  
21 necessarily exposed to a visual impact along  
22 that road.

23 A (DeWan) I don't know if I heard a question in  
24 there.

1 Q So I just wanted to ask if you're aware or  
2 familiar with that fact.

3 A (DeWan) You asked if there were country roads.  
4 These are State roads.

5 Q Well --

6 A (DeWan) a lot of them are.

7 Q I'm using the term in a --

8 A The colloquial sense.

9 Q Yes. My point is that they're the only roads,  
10 the only routes through those areas, and those  
11 of us who live there must use those roads every  
12 day and will be exposed to any visual impact  
13 along those roads every single time we go out of  
14 our houses. So I'm just --

15 PRESIDING OFFICER HONIGBERG: So you're  
16 aware that there are people who live along that  
17 road, and so if there are visual impacts, they  
18 will be exposed to them, right?

19 A (DeWan) Yes, and those impacts would probably be  
20 temporary during the course of the construction.

21 Q Okay. Well, we'll get into that in a minute.

22 A (DeWan) Okay.

23 Q Furthermore, because they're the only routes  
24 through that area, any tourists who wish to

1           avoid the visual impact, any visual impacts  
2           along that road, their only way to do that would  
3           be to avoid those roads all together and  
4           basically avoid that section of New Hampshire  
5           all together. Are you aware of that?

6       A     (DeWan) No. I would think there will always be  
7           alternative roads that people can look at, you  
8           know, just looking at the Scenic Byways map  
9           there's a web of interconnected roads in that  
10          part of New Hampshire.

11       Q     Well, they will certainly, in order to avoid  
12           visual impacts in Easton Valley, they will have  
13           to avoid Route 116. All right.

14                   Are you also aware that the engineers of  
15           the Project have stated that no mature  
16           vegetation is going to be able to be allowed  
17           along the corridor, the underground corridor?  
18           In other words, all mature vegetation will have  
19           to be removed along the underground corridor?

20       A     (DeWan) I have not seen a document to that  
21           effect.

22       Q     Okay. This is what's been represented to us by  
23           the engineers.

24                   MR. NEEDLEMAN: If there's a document that

1 says that, could you put it in front of the  
2 witnesses? It's not my recollection.

3 MR. PALMER: We have asked over and over  
4 again whether the vegetation is going to be  
5 removed or whether the trees are going to be  
6 cut, and we have gotten different answers every  
7 time, but we, it is clear from the statements in  
8 the design that no mature vegetation is going to  
9 be allowed on top of the power line.

10 BY MR. PALMER:

11 Q Now, at the time that you did your --

12 MR. NEEDLEMAN: I'm going to object to that  
13 as testimony.

14 PRESIDING OFFICER HONIGBERG: Yes, it is  
15 testimony. What is it you want to ask this  
16 witness?

17 MR. PALMER: A question I want to ask the  
18 witness is whether he was aware of that and  
19 apparently --

20 PRESIDING OFFICER HONIGBERG: I think the  
21 answer is no. He's not aware of that.

22 A (DeWan) That's correct.

23 BY MR. PALMER:

24 Q All right. When you did your assessment, it was

1 proposed at that time that much of the  
2 underground route would be under the road, would  
3 be under the pavement.

4 A (DeWan) That was our understanding.

5 Q Since then, it now appears that the State  
6 Department of Transportation Utilities  
7 Accommodation Manual specifies that this type of  
8 infrastructure should be located not under the  
9 pavement but under the shoulder of the road or  
10 out on the outside margin of the right-of-way to  
11 the extent possible which means that it will be  
12 well off the road up to 25 feet away from the  
13 centerline of the road. If that is the case,  
14 and this now suddenly this power line is going  
15 to be placed in the shoulder of the road or in  
16 the vegetative area up to 25 feet away from the  
17 centerline of road, would you state that that  
18 potentially results in much greater visual  
19 impact?

20 A (DeWan) There may be situations where loss of  
21 trees, if that were to occur, would possibly  
22 change the character of that section of the road  
23 where trees would have to be removed, and it may  
24 result in a change in the visual character.

1 Q Okay. Thank you. Have you been -- I assume  
2 that you've driven that route, that portion of  
3 the route?

4 A I think we have.

5 Q So you've seen, would you agree with my  
6 description that it is a fairly, bucolic route?  
7 It starts out in Franconia as being somewhat  
8 residential but becomes more and more forested  
9 as you go south and then you enter the White  
10 Mountain National Forest which is forest? Would  
11 you say that that's a reasonable  
12 characterization of the road?

13 A (DeWan) Yes, and we provided documentation of  
14 that effect in our Chapter 3 of our Visual  
15 Impact Assessment. Representative photographs.

16 Q Excellent. So you more or less agree with that  
17 characterization. And so would you say that if,  
18 in fact, this power line is now located in the  
19 shoulder of the road or up to 25 feet away from  
20 the centerline of the road, and if in effect all  
21 the vegetation needs to be removed in order to  
22 install the power line and needs to be  
23 maintained at a low level, that would change the  
24 visual character of the road?

1 A (DeWan) I hesitate to make a blanket statement  
2 that way. Part of the work that we do is  
3 evaluate situations on a case-by-case basis. I  
4 know that you say wherever possible was the  
5 language you used, I believe. I don't know what  
6 the exceptions may be if that indeed is the  
7 case.

8 Q So as a professional visual impact expert,  
9 you're not able to say whether or not removal of  
10 vegetation along a road of this character would  
11 impact the visual impact, visual character of  
12 road?

13 A (DeWan) I believe I said that there's a  
14 potential to. Again, it depends upon the  
15 character of the existing vegetation, how it  
16 affects the viewer's perception, what existing  
17 vegetation is behind any vegetation that may  
18 have to be removed.

19 Q All right. We have members of our Intervenor  
20 Group whose homes are located obviously abutting  
21 the highway, 50 feet from the road or so, with a  
22 great deal of vegetative curtain between the  
23 road and their houses. From what we've seen of  
24 the design, it appears that up to 20 feet of

1 that vegetative curtain could be removed. Would  
2 you agree that if that happens at least for that  
3 particular residence, that changes the visual  
4 aspect and character of that residence?

5 MR. NEEDLEMAN: I'm going to object. If  
6 Mr. Palmer wants him to assume that, that's  
7 fine.

8 PRESIDING OFFICER HONIGBERG: That's where  
9 I was going to go. Make that a hypothetical,  
10 Mr. DeWan. Assume that that's the case for a  
11 particular residence. And if you're able to  
12 answer the question as a hypothetical.

13 A (DeWan) Could you repeat an abbreviated version  
14 of the question? I understand the situation.

15 Q Okay. We have members of our Intervenor Group  
16 whose houses are located roughly 50 feet from  
17 the centerline of the road. There is a fairly  
18 dense vegetative curtain between the road and  
19 their houses such that their houses are not all  
20 that visible from the road, and the road is not  
21 all that visible from their houses.

22 A (DeWan) Are these trees on their property or on  
23 the right-of-way?

24 Q Both. But some of it, some of it is within the



1 right-of-way.

2 A (DeWan) Yes.

3 Q It now appears that some of that vegetation, up  
4 to 20 feet, will have to be removed in order to  
5 install the underground power line in that  
6 section. So that means they're going from 50  
7 feet of dense vegetative curtain down to 30  
8 feet.

9 PRESIDING OFFICER HONIGBERG: Don't gild  
10 the lily. You're getting a hypothetical out  
11 here for him. Get him what he needs to answer  
12 your hypothetical.

13 BY MR. PALMER:

14 Q Let's assume that that was the case. Would you  
15 say that that could be a visual impact in that  
16 situation?

17 A (DeWan) There is that potential. We've actually  
18 had situations where people have asked us to  
19 remove vegetation because they didn't like trees  
20 in a particular location. Again, it's very,  
21 very site specific.

22 Q Interesting. Okay. I was going to ask you  
23 whether you would agree that for a person  
24 driving down the road if instead of seeing trees

1 along the road they now see people's house that  
2 would change the visual character for the road  
3 for the person driving down the road.

4 A (DeWan) Again, using your hypothetical, you  
5 described trees that would remain in place so  
6 they would still see trees in that hypothetical.

7 Q But the houses become much more visible. That  
8 doesn't change anything?

9 A (DeWan) Again, it depends on the situation.

10 Q Okay. This process of getting this underground  
11 portion -- let me go back. Let me go back.

12 A few minutes ago or a little while ago or  
13 earlier this morning when we were talking about  
14 the Northern Forest Canoe Trail and the crossing  
15 of the Northern Forest Canoe Trail, you made the  
16 point that you tried to dismiss the visual  
17 impacts of that crossing by saying that it was  
18 just a single crossing along a long canoe trail,  
19 and it would make very little difference because  
20 it's just a single crossing. Your implication,  
21 if I'm correct, correct me if I'm wrong, your  
22 implication being that if it had been an impact  
23 all along the Forest Canoe Trail, it would have  
24 been a much more significant impact?

1 A (DeWan) I think that's a fair characterization.  
2 If the power line followed the river.

3 Q Right. Well, in this case, for the underground  
4 portion of the route, it does in fact follow  
5 along the highways for 60 miles. For one-third  
6 of, basically a third of the power line route,  
7 we have the underground portion of the power  
8 line following along, literally, along the  
9 entire road. Therefore, the impact is not just  
10 at a single crossing as you said earlier. The  
11 impact is all along the entire route for 60  
12 miles. Are you aware of that?

13 A (DeWan) We are aware of that, yes.

14 Q Okay. So, therefore, based on your own criteria  
15 which you voiced earlier this morning, the  
16 potential for impact is much greater since it  
17 follows the entire route and is not just a  
18 single crossing.

19 A (DeWan) There is that potential, and that's why  
20 we evaluated it with the assumptions that we  
21 presented earlier.

22 Q So, therefore, if it does turn out that, in  
23 fact -- what we need to bring out here is that  
24 the permitting along the underground route has

1           been described by the Applicants themselves as a  
2           quote, unquote, "iterative process." What that  
3           means is that they are still working with the  
4           Department of Transportation to define exactly  
5           where the power line will be located along the  
6           road, and in many, many locations they in fact  
7           have asked for exceptions and they're still, it  
8           still needs to be resolved where exactly this  
9           power line is even going to be located. So at  
10          this point, have they given you any information  
11          about where trees are going to be cut or where  
12          vegetation is going to be removed?

13        A     (DeWan) We have received no information about  
14          that.

15        Q     Have they given you a final design as to where  
16          the power line is going to be located along the  
17          route?

18        A     I don't even know if there is a final design.  
19          We have not been given any of that information.

20        Q     It still doesn't exist. It's is an iterative  
21          process. Still being developed. So no one, no  
22          one in the room, no one in the State of New  
23          Hampshire, no one anywhere knows what the  
24          alignment of this power line is going to be

1 along Route 116 or along the underground portion  
2 of the route, and no one knows. Therefore, you  
3 have no way of knowing, do you, sir, what  
4 vegetation is going to be removed or what visual  
5 impact is going to be there?

6 A (DeWan) At this point we can only rely upon the  
7 data we have in front of us.

8 Q Right. Which is not the final data. Not the  
9 final information.

10 A (DeWan) And which has not been developed yet.

11 Q You said earlier. You don't have the final  
12 design. No one has the final design.

13 So, therefore, your conclusion that there's  
14 no measurable impact is at best a little bit  
15 premature, and basically at this point you have  
16 no real basis for that conclusion because you  
17 don't have the final design.

18 A (DeWan) As I said earlier, it's based upon the  
19 best available information that we had at the  
20 time.

21 Q No, I understand. All you can do is work with  
22 the information that you have at the time, but  
23 you just said that you don't have the final  
24 information so none of us know really. All of

1 us still are waiting to see what, in fact, the  
2 visual impact or the impact on the character of  
3 our road is going to be once the design is  
4 finalized. And at this point in the decision  
5 process, no one knows. Would you agree with  
6 that?

7 A (DeWan) I think it's a fair assessment.

8 Q Okay.

9 A (DeWan) Yes.

10 Q Okay. I guess I'll leave it at that. Thank you  
11 very much.

12 PRESIDING OFFICER HONIGBERG: Next on the  
13 list, I think Mr. Judge isn't here and I know  
14 that Ms. Lee and Mr. Judge are going to go back  
15 to back. We could go to Deerfield Non-Abutters,  
16 and that might take us to the lunch break. Ms.  
17 Crane or Ms. Townsend?

18 (Discussion off the record)

19 PRESIDING OFFICER HONIGBERG: So the next  
20 group we're going to go to is the Deerfield  
21 Abutting Group, and I understand Mr. Cote is  
22 going to start us off. Mr. Cote, you may  
23 proceed.

24 MR. COTE: Thank you.

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**CROSS-EXAMINATION**

**BY MR. COTE:**

Q Just to introduce myself, Bob Cote with the Deerfield Abutters. And Mr. DeWan, I'm over here. And Dawn, could I have Apple Play, please?

So I'd like to start off with just a little bit of memorabilia. I don't know if you remember these old license plates from New Hampshire. I think that many New Hampshire residents remember these fondly and like to think of New Hampshire in general as being scenic, but just to get your perspective on our viewpoint of the state, what do you think this message that was on our license plate was intended to convey about the state of New Hampshire and its scenery?

A (DeWan) Probably the same thing that our license plates in Maine do. We say Vacationland on it. It's a message to send out to the people the way you perceive the people in New Hampshire perceive the state.

Q Okay. So I think you, it's safe to say that you perceive that we think our scenery is very

1 important here.

2 A (DeWan) I think that's true of virtually every  
3 state that I've ever visited.

4 Q Okay. I'd like to take a quick look at a few  
5 definitions, and I know some of this has been  
6 gone over before, but I just want to clarify in  
7 my mind. Scenic quality, you can see the  
8 definition here. This is from the site, SEC  
9 regulations. Is scenic quality in this  
10 definition actually tied to scenic resources in  
11 any way?

12 A (DeWan) It does not appear to be.

13 Q What does scenic quality actually mean to you?

14 A Based upon this definition or in general, the  
15 general concept of scenic quality.

16 Q Well, let me rephrase the question.

17 Would you think that there are degrees of  
18 scenic quality or either it's present or absent?

19 A (DeWan) I believe I've testified in the  
20 affirmative.

21 Q That there are degrees of scenic quality?

22 A (DeWan) yes, and I believe perhaps to answer  
23 your first question, the word "scenic" itself as  
24 seen on the license plate contains a lot of



1 meaning. If you use the word Scenic Byway or  
2 scenic overlook or even perhaps scenic railroad,  
3 when you couple those words together, there's an  
4 anticipation that when you get to the overlook  
5 or the byway or the railroad, you're going to be  
6 seeing scenery, but it's probably a cut above  
7 the common scenery that you see. Scenic Byway  
8 takes visitors through some of the really  
9 dramatic memorable parts of the state of New  
10 Hampshire. And from our perspective, I think  
11 that that's what was inherent in writing the  
12 definition that we're looking for places that  
13 had intrinsic beauty defined by land forms,  
14 vegetation, water features, human alterations to  
15 landscape.

16 Q Okay. Good. I think we're thinking along the  
17 same lines on that question.

18 If we look a little bit farther down, the  
19 definition of scenic resource which I know has  
20 been talked about also, but in particular, I'm  
21 looking at one of the qualifying factors is  
22 conservation lands or easement areas that  
23 possess a scenic quality, and I believe you  
24 eliminated many areas under the public legal

1 right of access criteria; is that correct?

2 A (DeWan) And the first line says the public has  
3 to have a legal right of access to these type of  
4 places. The conservation lands.

5 Q So did you actually identify conservation lands  
6 or easement areas, any as scenic resources?

7 A (DeWan) Yes, we did.

8 Q Do you know about, of the conservation lands or  
9 easement areas that intersected the Project,  
10 about what percentage roughly would you say  
11 qualified as scenic resources?

12 A (DeWan) You're talking about conservation lands.

13 Q Yes.

14 A (DeWan) I couldn't give you an exact number  
15 right now. We have lists of the scenic  
16 resources in Deerfield on page 6-21 of our  
17 Visual Impact Assessment. Deerfield had, we've  
18 counted 52 areas that we were considering as  
19 scenic resources. And I don't have the number  
20 that fit that particular category.

21 Q And, therefore, you evaluated each of those  
22 according to your rating system?

23 A (DeWan) Yes. Well, not, we didn't evaluate all  
24 of them, but we were very familiar with the ones

1 in Deerfield.

2 Q All right. Let me jump ahead. This is  
3 Applicant Exhibit 92, and it's your Supplemental  
4 Testimony, and I wanted to take a closer look at  
5 your use of the term Key Observation Point, and  
6 actually, okay. You're relying to some degree  
7 on the term "observation," and in line 28,  
8 actually 29, you say the definition of observed  
9 is to carefully -- skip to the next page. Is to  
10 watch carefully, especially with attention to  
11 details for or behavior for the purpose of  
12 arriving at a judgment. Let me go back to the  
13 previous page. And you do cite on line 27 the  
14 Merriam Webster Dictionary definition, the  
15 action of careful watching. Is that correct?

16 A (DeWan) That's correct.

17 Q So here is the definition from -- by the way,  
18 the exhibits that I'm showing here that haven't  
19 previously been part of Deerfield's exhibits are  
20 all under Deerfield Abutter 140. So this would  
21 be part of Deerfield Abutter 140.

22 So you can see, this is the Merriam Webster  
23 Dictionary of "observe," and you can see that  
24 the definition that you cited is actually number

1 4, to watch carefully, especially with attention  
2 to details. Is that correct?

3 A (DeWan) That's correct.

4 Q But definition number 2 is to inspect or take  
5 note of. Isn't that a slightly reduced level of  
6 attention to detail than the definition that you  
7 chose to use in your testimony?

8 A (DeWan) I'm not a semantic expert. I don't know  
9 what augury, omen and presage means in light of  
10 this definition.

11 Q It says "as" so I think those are examples, but  
12 I think the important part is the first piece,  
13 inspect or take note of.

14 A (DeWan) Inspect. I think that's a decent way of  
15 understanding what "observed" means.

16 Q So if you drove under a power line, for example,  
17 and you took note of it, that would not be  
18 observing it?

19 A (DeWan) It certainly would not be an inspection  
20 of it. Inspect to me says that you're going  
21 there with a purpose of observing.

22 Q Well, is inspect in the regulatory definition of  
23 Key Observation Point?

24 A (DeWan) Just the word "observation" is.

1 Q Right.

2 A (DeWan) And there's no definition in the rules  
3 about what the word "observation" means. So I  
4 looked at a common dictionary definition.

5 Q And it also includes "taking note of" as being  
6 observing, correct?

7 A (DeWan) In this particular definition. There  
8 are many, many definitions.

9 Q So is it fair to say then that the way you used  
10 observe in your testimony is your opinion?

11 A (DeWan) Well, having done these a few times, the  
12 term "Key Observation Point" is a relatively new  
13 term in the lexicon of people that do Visual  
14 Impact Assessment. Our understanding of a Key  
15 Observation Point or a KOP is not just a place  
16 where you drive by, you get a quick glance.  
17 It's really a place where people go and  
18 appreciate the landscape, a place that may be  
19 designated, a place where people are expected to  
20 stop, to linger, to observe, a place that may be  
21 affected by the presence of something which is  
22 introduced into the landscape.

23 Q Here's the definition in the regulation. Does  
24 it say that?

1 A (DeWan) A viewpoint that receives regular public  
2 use and from which the proposed facility would  
3 be prominently visible.

4 Q So would a public highway passing under the  
5 transmission lines qualify then as a Key  
6 Observation Point?

7 A (DeWan) Probably not. Unless the highway was  
8 part of a Scenic Byway.

9 Q Doesn't a highway receive regular public use?

10 A (DeWan) Most highways do.

11 Q Then why would you not consider a roadway  
12 passing under the transmission line to fall, you  
13 know, qualify as a Key Observation Point?

14 A (DeWan) As I said before, later on in the rules  
15 there is a description of Key Observation Points  
16 and photo simulations, and I believe there's a  
17 portion of the regulations that say Key  
18 Observation Points should be from scenic  
19 resources.

20 Q Okay. I can find that for you if you'd like to  
21 take a look at it. It may take me just a  
22 minute. Because I don't think that quite agrees  
23 with what I recall. Okay. It looks like it's  
24 Item No. 7. Key Observation Points.

1 A (DeWan) That's right. Photo simulations from  
2 representative Key Observation Points from  
3 either scenic resources. So that implies in the  
4 use of the word "other" that Key Observation  
5 Points are scenic resources.

6 Q And it continues, and to the extent feasible  
7 from a sample of private property observation  
8 points. So it says Key Observation Points,  
9 comma, from other scenic resources,  
10 characterized as high, comma, and to the extent  
11 feasible private property observation points.

12 Isn't that three different criteria that  
13 are specified for photo simulations?

14 A (DeWan) That's correct. One is from Key  
15 Observation Points that -- and maybe let me just  
16 start with the first one. Scenic resources for  
17 which the potential visual impact is  
18 characterized as high. Then it says from other,  
19 those are the other scenic resources. But the  
20 first part is Key Observation Points. So the  
21 word "other" implies that the Key Observation  
22 Points are also scenic resources. And then on  
23 top of that you have the collection of private  
24 property observation points.

1 Q Okay. Well, I see that as three different, but  
2 I won't belabor, three different types of points  
3 for photo simulations, but I won't continue to  
4 argue with you or I don't want to argue with you  
5 on that point.

6 I would like to move -- we've talked about  
7 this location a little bit. This is from the  
8 Final Environmental, DOE Environmental Impact  
9 Statement Report.

10 MS. DORE: Deerfield Abutter 122.

11 Q Yes, it's there also, but it's either location.  
12 I guess, I would assume that the EIS is  
13 somewhere in the docket, but I don't know its  
14 exhibit number.

15 I just want to, this is the after photo  
16 simulation, but the before simulation, the  
17 existing 1 kV line is approximately similar to  
18 the line that's on the left side of this photo,  
19 and it's in the position of the Northern Pass  
20 line on the far right. Does that sound about  
21 right to you?

22 A (DeWan) It would be helpful to see the before  
23 photograph if that's possible.

24 Q I don't have that readily accessible, but I



1 would show you a photo in a slightly different  
2 location that -- this is also in Deerfield  
3 looking over a wetland. The landscape  
4 topography is a little bit different, but you  
5 can perhaps visualize it a little better what  
6 the existing conditions are. Does that help?

7 A (DeWan) I can see that, yes.

8 Q So the existing line has moved over a bit to the  
9 left and been replaced with a new similar  
10 structure but about 50 percent taller. And then  
11 the Northern Pass line comes in as lattice  
12 structures at this location. What's your  
13 opinion on the use of lattice towers versus  
14 monopoles at this location for the Northern Pass  
15 segment?

16 A (DeWan) This is the, this is the situation that  
17 we've looked at. The engineers have -- sorry.  
18 The screen has gone blank.

19 Q Try to reconnect here.

20 I can see it again. If I can restart then.  
21 This is on Nottingham Road in Deerfield. This  
22 is in a residential portion of the community.  
23 This is an unnamed water body. This is not a  
24 scenic resource. This is not, this is a

1 residential road. This is not a drive or a ride  
2 that's used as a -- is not a Scenic Byway. And  
3 we have not done an evaluation on this.

4 Q Would you consider this a Key Observation Point?

5 A (DeWan) We would not.

6 Q Is it in an area where there's public use of the  
7 road?

8 A (DeWan) People drive by here, and I'm sure that  
9 people probably walk by here also. Ride their  
10 bikes by here.

11 Q And people can observe it?

12 A (DeWan) People will see this along with the rest  
13 of the landscape. Yes.

14 Q And the towers are prominently visible, are they  
15 not?

16 A (DeWan) From this particular vantage point, yes.

17 Q I understand you didn't evaluate it, but I guess  
18 maybe a question would be why didn't you?

19 A (DeWan) I think I've already answered that by  
20 saying it's not a Key Observation Point because  
21 it's not a scenic resource.

22 Q Is there a visual impact here from this Project?

23 A (DeWan) We have not done an evaluation of this.

24 Q In your opinion, would a monopole structure for

1 Northern Pass have been a reasonable mitigation  
2 here?

3 A (DeWan) In order to do that, I guess I would  
4 have to look at a photo simulation and compare  
5 this particular approach to the use of a  
6 monopole.

7 MS. DORE: Mr. Cote?

8 MS. COTE: Yes.

9 MS. DORE: It looks like we already have  
10 Deerfield Abutter Exhibit 122, and that's not  
11 the one that you just showed us although it was  
12 marked 122, and because we don't know where you  
13 pulled it precisely from, do you mind to file it  
14 as Deerfield Abutter 144 which looks like the  
15 next number for you?

16 MR. COTE: Okay. I will do that.

17 BY MR. COTE:

18 Q This is also from the DOE Environmental Impact  
19 Statement, and it's for that view we were just  
20 looking at. Their assessment of that. And do  
21 you see that they indicate that the contrast  
22 dominance rating would be severe, the visual  
23 change would be very large and in sensitive  
24 settings would likely be considered unreasonably

1 adverse by a casual observer?

2 A (DeWan) That's what it says, yes.

3 Q Ant yet no mitigation was proposed?

4 A (DeWan) We did not evaluate this particular road  
5 crossing. I believe there's testimony for Mr.  
6 Bowes that in some situations that mitigation  
7 may be appropriate and the Applicant will be  
8 willing to discuss that with the Site Evaluation  
9 Committee if a Certificate was granted for the  
10 Project.

11 Q I would like to take a look at, this is Mr.  
12 Bowes, the transcript of Mr. Bowes' testimony on  
13 Day 12, and we were discussing, I was asking him  
14 questions actually about the use of lattice  
15 structures versus monopoles in this area, and  
16 excuse me. That's the wrong exhibit. Hold on  
17 just a minute. I'm looking for my reference  
18 here. It looks like I've lost it.

19 But, anyway, the gist of the testimony was  
20 I was asking about the use of lattice structures  
21 in this area versus monopoles.

22 A (DeWan) This is a discussion you had with Mr.  
23 Bowes?

24 Q Right, when he was here testifying. And his

1 response to this question was to ask this  
2 question to the Aesthetics Panel, and that's  
3 what I'm doing right now. And it was this area  
4 of Deerfield that was in question. So he threw  
5 the ball to you. Now I'm throwing the ball back  
6 in your court. Or it appears that you're now  
7 tossing the question back to them.

8 A (DeWan) Could you repeat a simplified version of  
9 the earlier question then?

10 Q The earlier question to Mr. Bowes was why were  
11 lattice structures chosen for this segment of  
12 Deerfield instead of monopoles, and his response  
13 was ask the Aesthetics Panel.

14 A (DeWan) So is the question why were not  
15 monopoles used here or why were latticework  
16 structures used here to begin with? It's our  
17 understanding the latticework structure for most  
18 of the line, not all of it, is the norm. And we  
19 used monopole structures in areas of higher  
20 scenic sensitivity. So there are places where  
21 we selected monopoles as a visual mitigation  
22 measure due to the sensitivity of the landscape.

23 Q Here are the rules again, and it calls for a  
24 description of measures to minimize or mitigate

1 adverse effects, and there's a similar clause in  
2 the criteria for the SEC that reads almost the  
3 same, but it says to the extent to which such  
4 measures represent best practical measures. And  
5 this is Mr. Bowes' hearing transcript and the  
6 discussion was the cost of monopoles versus  
7 lattice towers. And can you see where Mr. Bowes  
8 says I think Derrick indicated about 10  
9 percent --

10 A (DeWan) I see that.

11 Q -- greater cost?

12 Do you think it would have been a  
13 reasonable mitigation effort to spend ten  
14 percent more to replace those structures in  
15 Nottingham Road area with monopoles?

16 A (DeWan) I think you're asking a question that's  
17 largely based upon engineering, especially in  
18 this sort of situation. Because I would also  
19 like to say that looking at the image that you  
20 have, this particular image right here, there  
21 may be other mitigation measures which may be  
22 perhaps more effective to screen or eliminate  
23 the view from this particular vantage point. I  
24 don't know if you heard the testimony that I

1 presented yesterday on how we worked with the  
2 community in Cumberland, Maine, to screen a line  
3 in a substation from a Scenic Byway.

4 Q Isn't that tower about 50, maybe 50 feet from  
5 the road?

6 A (DeWan) I don't know the exact height, but --

7 Q And you see --

8 A (DeWan) The one, the latticework structure on  
9 the right may be 50 to 75 feet. I don't know  
10 the exact distance.

11 Q Do you see that there are power lines running  
12 more or less vertically than distribution lines,  
13 not the transmission lines, that probably would  
14 reduce the ability to put much vegetation in  
15 that area?

16 A (DeWan) That would be a limitation that would  
17 have to be taken into consideration when you do  
18 a screen plan. That's a typical way we work.  
19 We look for vegetation that's not capable of  
20 attaining a certain height.

21 Q Okay. I'm going to move on. On to the next  
22 area. And going to bring back, this is  
23 Deerfield Abutter 34 but very similar part of  
24 Deerfield. And similar to the Nottingham Road

1 area, the existing line on the right is going to  
2 be moved more towards the center and raised  
3 approximately 50 percent and then the Northern  
4 Pass line basically replacing the existing 1 kV  
5 line on the right, almost double the height.

6 So there's no photo simulation in this area  
7 because it's off the road, but I'll give you a  
8 little more background on this area and then get  
9 to my question.

10 So this is a Project map which is  
11 Applicant's Exhibit 2. And this is map 178.  
12 And I think you can, what I'd like to do is just  
13 have you acknowledge that there's the  
14 conservation land in this area, there's a parcel  
15 marked 9707, 9711, 9710, 9712, and then  
16 continuing to the next map, again, you can see  
17 some that were in the prior map. There's a  
18 conservation easement there. Very large Menard  
19 conservation easement and then farther on  
20 another one here. 9714. So I think you can see  
21 there's a lot of conservation land in this area?

22 A (DeWan) Yes, there is.

23 Q And I want to follow up on the concept of  
24 mitigation which is in the rules, but as far as



1 conserving the, it's clear that the objective of  
2 the landowners who put their land into  
3 conservation easement is because they have some  
4 desire to protect this property from harm.

5 Would you agree with that?

6 A (DeWan) Absolutely. I'm a land trust myself.

7 Q Would minimizing visual impacts be a high  
8 priority, do you think, in an area where there's  
9 a high degree of conservation property?

10 A (DeWan) It really depends upon many factors.  
11 Public access is one. We've looked at all the  
12 conservation lands in Deerfield. I think we  
13 have a good understanding about what's publicly  
14 accessible and what's not publicly accessible.  
15 We know where many of the trails are.

16 Another consideration is why land was put  
17 in conservation to begin with. Was it for  
18 habitat purposes, was it open space land next to  
19 a subdivision. There are many reasons why land  
20 goes into conservation.

21 Q I'm continuing on this topic, but where does  
22 cultural value fit in with a location like this  
23 in deciding the extent to which you mitigation  
24 adverse visual effects?

1 A (DeWan) Cultural value, I don't know if you've  
2 been sitting in on some of the other testimony,  
3 but as we explained in our Prefiled Testimony  
4 and in our Visual Impact Assessment is one of  
5 the ways that we use to first identify  
6 properties that are out there and assign a level  
7 of significance so as we go through our  
8 evaluation process we can come to some  
9 determination of what are considered to be the  
10 most highly significant areas within the Project  
11 study area.

12 Q Okay. So if you look again in this photo, I  
13 believe that hillside on the far side of the  
14 wetland is part of the Menard easement, for  
15 example. And did you not -- in your table of  
16 scenic resources, the Menard property is listed  
17 as, I believe, and you assigned a cultural value  
18 of low?

19 A (DeWan) Yes. We did.

20 Q So I wanted to continue with a few exhibits  
21 relative to the -- and I know you have your own,  
22 you have a definition of cultural value in your  
23 testimony, correct? And your report?

24 A (DeWan) That's correct.

1 Q So I just want to show you a few pieces, a few  
2 exhibits.

3 MS. DORE: Mr. Cote, it looks like your  
4 Prefiled Testimony has a couple of pictures and  
5 photos so that to be sure that the record  
6 reflects that it was the picture on page 2 of  
7 Abutter Exhibit 34, okay?

8 MR. COTE: Yes.

9 Q So this is a local land trust, Bear Paw Regional  
10 Greenways, and there's a reason for this exhibit  
11 is to just show you the Deerfield area. And can  
12 you see all those areas that are outlined in  
13 green?

14 A (DeWan) I do.

15 Q Would you agree that there's a high, a very high  
16 level of interest in the Deerfield area in  
17 conserving and protecting land?

18 A (DeWan) It appears that way.

19 MS. DORE: That was page 5 of Deerfield  
20 Abutter 140.

21 MR. COTE: Yes.

22 Q This is the State's current use law. I believe  
23 it's, I don't know if it's RSA, I don't know  
24 what the RSA citation is, but it's the current

1 use. And you see where it says it's declared to  
2 be in the public interest to encourage the  
3 preservation of open space providing helpful  
4 attractive outdoor environment, character of the  
5 state's landscape, conserving the land, water,  
6 forest, do you agree that's a component of  
7 cultural value or indication of cultural value?

8 A (DeWan) This is part of the definition of what  
9 the current use taxation program is all about.  
10 This is part of the declaration of public  
11 interest.

12 Q But is it a reflection of cultural values here  
13 in New Hampshire that this law exists?

14 A I think it certainly shows an intent on the part  
15 of the people of New Hampshire to promote the  
16 current use taxation program to achieve those  
17 objectives that are outlined in the declaration.

18 Q This is also part of Deerfield 140. I'm sorry.  
19 I don't know the page number because I've got  
20 it --

21 MS. DORE: 9.

22 Q Okay. Thank you.

23 I think this reflects something about  
24 cultural value. This is from the New Hampshire

1 Division of Parks, I believe, pamphlet. And the  
2 second paragraph, I think, particularly I want  
3 you to, is worth noting. It's talking about  
4 outdoor recreation.

5 Many activities, particularly motorized  
6 sports, take place on private land. In fact, as  
7 much as 80 percent of recreational activities  
8 take place on private land in New Hampshire.  
9 It's the generosity of private landowners that  
10 allows New Hampshire residents and guests to use  
11 more than six million acres for varied  
12 recreational purposes.

13 Public use of private land is a privilege.  
14 It's been a tradition throughout New Hampshire  
15 for landowners to allow others to use their land  
16 for recreational pursuits.

17 Would you say that's a reflection of  
18 cultural values here in New Hampshire?

19 A (DeWan) That certainly is a statement regarding  
20 the use of private land and what a privilege it  
21 is to have that tradition in New Hampshire.

22 Q This is also from Deerfield Abutter 140, and I'm  
23 not sure of the page number again. Sorry. But  
24 this is taken from the New Hampshire Fish & Game

1 website on the use of private land. The  
2 question is, in particular, for hunting, which I  
3 guess is important to some people as well, but  
4 it's, can I hunt on private land that's not  
5 posted, and see where it says common law in New  
6 Hampshire gives the public the right to access  
7 to land that's not posted. You won't find this  
8 in state law books because it's common law going  
9 back to the philosophy of New England colonists  
10 and supported by over centuries of case law.  
11 Our forefathers knew the importance of balancing  
12 the need for landowners' rights with that of the  
13 public good. And I won't finish reading that.  
14 But would you say that's also an example of  
15 cultural values here?

16 A (DeWan) Certainly, again, it's a statement of  
17 the underlying values that the people of New  
18 Hampshire rely upon when they look for  
19 activities such as outdoor recreation.

20 Q And here's an example of outdoor recreation.  
21 From that same corridor that I'm discussing, the  
22 segment of the power lines. Do you think the  
23 scenic quality is reasonably good here?

24 A (DeWan) It looks like the people that are there

1 are certainly enjoying the effect that they have  
2 access to rolling landscape here. And as I've  
3 stated before, we don't evaluate scenic quality  
4 based upon a single snapshot photograph.

5 MS. DORE: Mr. Cote, not this one but the  
6 exhibit before the picture of people, it's not  
7 part of your 140 so --

8 MR. COTE: I uploaded it to the ShareFile  
9 site intentionally with that photo in it just  
10 before my work.

11 MS. DORE: Yes, it appears that it was  
12 different page from the website was uploaded as  
13 preceding that page so just clarify that at the  
14 end.

15 MR. COTE: Okay. Thank you.

16 BY MR. COTE:

17 Q And then I was trying to get a sense of cultural  
18 values other than your definition just for  
19 different point of view because it's fairly  
20 complex definition and I couldn't find much, but  
21 I think this fairly describes what I would  
22 intuitively think cultural value is.

23 The commonly held standards of what is  
24 acceptable, unacceptable, important or

1 unimportant, right, in a community or society.  
2 So would you agree that the outdoor conservation  
3 areas in Deerfield under this definition are  
4 important and would have high cultural value?

5 A (DeWan) Not according to the definition that  
6 we've just used which gets to the concept of  
7 scenic significance and scenic significance is  
8 not defined, but we consider it to be a  
9 combination of cultural value as we defined it  
10 and visual quality and so if you're, if we've  
11 been asked by the regulations to look at the  
12 landscape in general and come to a recognition  
13 of its scenic significance, scenic significance  
14 to us is that weighing of cultural values and  
15 visual quality. So, again, in the broad scheme  
16 of things, those areas that have been  
17 designated, for example, National Parks,  
18 National Scenic Byways, National Forests, those  
19 have been designated because of their scenic  
20 quality. Those we consider to be high cultural  
21 values. We as a culture have said these are  
22 really significant to us.

23 Q I think you said something that I'd like to  
24 follow up on. You said cultural values as we



1 defined it. Is that what you said?

2 A (DeWan) In the Visual Impact Assessment, we have  
3 a definition, we say cultural value is the value  
4 of that has been placed on a particular  
5 resource. In this case we're talking about a  
6 scenic resource. By a public agency or  
7 nongovernmental organization, and indicated by  
8 formal designation, inclusion in current  
9 planning documents or similar sources of  
10 information.

11 And then we go on to show that there are  
12 ways of looking at these values as either high  
13 cultural value, medium, or low cultural values.

14 Q But that is your definition, correct?

15 A (DeWan) This is a, as part of the work that we  
16 as professionals do is typical of the way that  
17 we evaluate the landscape as a whole to get  
18 reviewing agencies some sense of the overall  
19 scenic significance of the landscape.

20 Q Do the SEC regulations define cultural value?

21 A (DeWan) I do not believe they do.

22 Q And still just thinking about that conservation  
23 area and the way it will change. This is  
24 Mr. Quinlan's testimony. Or the transcript of

1 his testimony. I don't know if I can give you a  
2 page number. It looks like the morning session  
3 on April 13th. And you see where he says we  
4 have in some areas committed to use monopoles?  
5 That's a more slender, lower structure, lower  
6 visual impact type of construction. It's kind  
7 of a streamline single pole as opposed to kind  
8 of an erector set.

9 Do you agree with that?

10 A (DeWan) I don't agree with all of his choice of  
11 words, but I think it gets the concept across.

12 Q So do you have an opinion as to why the erector  
13 set type of construction was chosen for this  
14 area of conservation land and continuing over  
15 Nottingham Road to the substation for this  
16 segment of Deerfield?

17 A (DeWan) As I said before, the entire Project  
18 uses the, what he calls the erector set or the  
19 latticework type of structure as the basic  
20 element. We look for areas of specific scenic  
21 concern that we felt were, would be an  
22 appropriate mitigation measure to reduce  
23 potential visual impacts.

24 Q And did you recommend to them that they consider

1           monopoles for this area in Deerfield, high level  
2           conservation property?

3       A     (DeWan) We did not look at this particular area  
4           as one of those areas, and you know that there  
5           are parts of the community where we are  
6           recommending monopoles.

7       Q     All right. My last questions I'd like to just  
8           ask you about your own personal work beyond this  
9           Project. Go to the beginning of this. Is this  
10          the home page of your website?

11      A     (DeWan) It is.

12      Q     So are there power lines or any kind of  
13          electrical infrastructure in this? These are  
14          what I understand are your featured Projects on  
15          your website. Are there any electrical  
16          infrastructure in this image?

17      A     (DeWan) Not in this particular one of the Cliff  
18          House Resort in York.

19      Q     Electrical infrastructure here?

20      A     (DeWan) I believe there's electrical  
21          distribution lines along the streets that border  
22          this preserve in Scarborough.

23      Q     But not visible in your depiction of your work?

24      A     (DeWan) Not in this particular one.

1 Q Here? Electrical structure visible at the  
2 Capital Judicial Center Project?

3 A (DeWan) There are some that are visible on the  
4 campus of the new Judicial Center, not visible  
5 in this photograph.

6 Q Fish River Chain of Lakes Concept Plan. Is  
7 there electrical infrastructure in this Project?

8 A (DeWan) There definitely is a new substation,  
9 and there's a power line that goes up to the  
10 village of Sinclair from Route 161. Does not  
11 show up in this particular photograph but that  
12 was certainly part of the consideration for this  
13 50,000-acre tract of line that we've been  
14 dealing with.

15 Q Coastal Maine Botanical Gardens? Do you think  
16 if there were a transmission line running behind  
17 those trees that it would affect the visitor's  
18 experience?

19 A (DeWan) It would depend on how it was screened  
20 and how it was treated.

21 Q West Side Village in Bangor? Two words. Could  
22 you tell me, I see a couple of lamp posts in  
23 this image. How is, I don't see any power lines  
24 going from one to the other so how are they

1 powered?

2 A (DeWan) The line would not go from one side of  
3 the street to the other. They would be fed  
4 underground through the parking lot on the left  
5 and probably along the esplanade on the right.

6 Q Wouldn't it cost less just to run the electrical  
7 line from one pole to the other?

8 PRESIDING OFFICER HONIGBERG: Mr. Cote,  
9 really?

10 Q Let me move on. I did have a reason for this.  
11 This is another depiction of the same Project,  
12 isn't it?

13 A (DeWan) This is in Bangor. Yes, it is.

14 Q And is that Second Street that we're looking at?

15 A (DeWan) It is.

16 Q And did you depict any electrical infrastructure  
17 along Second Street in your rendering?

18 A (DeWan) I did not do this rendering. C. Michael  
19 Lewis did. I believe that it does not look like  
20 he showed any. I know there's certainly a lot  
21 of overhead power lines that run through this  
22 neighborhood.

23 Q So this is Second Street?

24 A (DeWan) That's correct. There they are.

1 Q And there's another view on Second Street.

2 MR. NEEDLEMAN: Objection. Relevance.

3 PRESIDING OFFICER HONIGBERG: Mr. Cote, why  
4 is this relevant?

5 MR. COTE: Well, because I think the  
6 witness is testifying here that transmission  
7 lines and electrical lines don't affect the  
8 experience of users.

9 PRESIDING OFFICER HONIGBERG: Is that your  
10 testimony, Mr. DeWan?

11 A (DeWan) I don't believe we talked about that.

12 PRESIDING OFFICER HONIGBERG: I'm not sure  
13 I heard that either. What is your point, Mr.  
14 Cote? Not so much why is this particular  
15 question or this particular picture relevant.  
16 What is your point here?

17 MR. COTE: I think my point is whether the,  
18 what the witness is testifying, for example, in  
19 the center of Deerfield that the power lines  
20 won't affect the use and enjoyment is  
21 inconsistent with what he's depicting in other  
22 areas of his work.

23 PRESIDING OFFICER HONIGBERG: Yeah, he's a  
24 hypocrite because when he wants to show pretty

1 pictures of the things he's worked on, he  
2 doesn't show power lines, right? That's the  
3 point, right?

4 MR. COTE: Is that because they're  
5 aesthetically displeasing.

6 PRESIDING OFFICER HONIGBERG: But that's  
7 the point, right?

8 MR. COTE: Yes.

9 PRESIDING OFFICER HONIGBERG: All right. I  
10 think we got it.

11 MR. COTE: Okay. That is actually the end  
12 of my questions.

13 PRESIDING OFFICER HONIGBERG: Off the  
14 record.

15 (Discussion off the record)

16 MR. NEEDLEMAN: Was there some description  
17 of how the Deerfield activity is being carved up  
18 here?

19 PRESIDING OFFICER HONIGBERG: I don't  
20 believe we got one. Let's find out from  
21 Ms. Menard what the plan is here. When you get  
22 up to the microphone you can do it, Ms. Menard.

23 I'll put on the record, just to be clear,  
24 what I said a moment ago about what I understood

1 Mr. Cote's point to be was not an expression of  
2 my opinion about Mr. DeWan's testimony or his  
3 positions and his company. I just wanted to  
4 make sure that everybody understood that we  
5 could see what Mr. Cote wanted us to see, and  
6 whether we agree with it or not is not important  
7 right now. Do you understand that, Mr. DeWan?

8 A (DeWan) I appreciate that.

9 PRESIDING OFFICER HONIGBERG: I figured you  
10 would. Apologize if I left a false impression  
11 there.

12 Ms. Menard, do you want to give us a  
13 preview as to how what you're going to do  
14 differs from what Mr. Cote did, and if you have  
15 somebody else I've forgotten now if you do, if  
16 Mr. Berglund is going to ask questions, how are  
17 these areas different?

18 MS. MENARD: I have three questions  
19 regarding Meeting House Hill Road, and the  
20 remainder of my questions pertain to Deerfield  
21 Center.

22 PRESIDING OFFICER HONIGBERG: And what is  
23 Mr. Berglund going to be asking about?

24 MR. BERGLUND: Two topics. Impact of



1 Northern Pass on travelers in Deerfield. And  
2 Nottingham Road looking at views off to the left  
3 and talking about the quality thereof.

4 PRESIDING OFFICER HONIGBERG: What was the  
5 first topic you just described?

6 MR BERGLUND: Analysis of impact by  
7 Northern Pass on travelers on Deerfield roads.

8 PRESIDING OFFICER HONIGBERG: Travelers.  
9 That's the word I didn't get.

10 MR. BERGLUND: Travelers. Walkers, bikers,  
11 hikers, all that.

12 PRESIDING OFFICER HONIGBERG: All right.  
13 Ms. Menard.

14 **CROSS-EXAMINATION**

15 **BY MS. MENARD:**

16 Q Pertaining to Meeting House Hill Road, we have  
17 Applicant Exhibit 2. This is Attachment 8, page  
18 8-84. And Mr. DeWan, Ms. Kimball, good morning.

19 A (DeWan) Good morning.

20 A (Kimball) Good morning.

21 Q This is a public view photo of a private  
22 property simulation, correct?

23 A (DeWan) That's correct. This is taken from  
24 Meeting House Hill. The cemetery is immediately

1 in back of us.

2 Q Correct. Is it true that wide angled lens can  
3 create a distortion that can make ordinary items  
4 in the foreground enormous and items in the  
5 background small?

6 A (DeWan) That is correct. That's why photo  
7 simulations are always done with what we call  
8 normal lenses.

9 Q You would agree that the Visual Assessment of  
10 the three high voltage towers and wires is  
11 diminished compared to the transformer in the  
12 foreground?

13 A (DeWan) I don't know how you mean the word  
14 diminished. Obviously, the box in the  
15 foreground is roughly five feet square. The  
16 structure in the background is obviously a lot  
17 larger than that, but it appears smaller because  
18 of the effect of distance.

19 Q Okay. Thank you. The bulk of my questions for  
20 Deerfield Center have to do with the continued  
21 use and enjoyment concept that you mentioned in  
22 your Prefiled Testimony.

23 A (DeWan) Yes.

24 Q And are you familiar with the Plan NH? Down at

1 the bottom.

2 A (DeWan) This particular design charrette, I'm  
3 not familiar with it.

4 Q Have you heard of New Hampshire, the Plan NH  
5 concept?

6 A (DeWan) I have a vague recollection of it. I  
7 really don't know any of the details about it.

8 Q As a way of background then, I'll represent to  
9 you that in the year 2000, Plan NH had, out of  
10 several towns that applied they selected three  
11 towns and Deerfield was one of them and the  
12 criteria for selection was based on two points.  
13 One, you had to have an interesting design  
14 problem. And then, number 2, the Project had to  
15 have the component of a high probability of  
16 actually being implemented due to a community's  
17 commitment to solving that. So are you aware  
18 that Deerfield received a weekend of donated  
19 engineering and architect design services to  
20 solve a problem of local interest, and that was  
21 being the development plan for Deerfield Center?

22 A (DeWan) I'm not aware of that, but that's  
23 typically how design charrettes work. I don't  
24 know the source of the funds, but, yes, I'm

1           aware of the process that these things occur  
2           over.

3       Q     So looking at Deerfield Abutter Exhibit 141(b),  
4           this is a flyer.  And do you see that the  
5           Planning Board hosted a similar event in 2013?

6       A     Yes, I do.

7       Q     You can see it happened at the Town Hall and the  
8           date is stipulated there.

9       A     Yes.

10      Q     You agree that planning the future of Deerfield  
11           Center has been an ongoing community commitment  
12           as evidenced by a process that started back in  
13           2000 and is continuing?

14      A     (DeWan) I think this is an evidence of that.

15      Q     Thank you.  Did you consider the fact that much  
16           of what you saw as a visitor to Deerfield  
17           Center, the gazebo, the improved parking, the  
18           library expansion, senior housing, this is a  
19           result of this community planning?

20      A     (DeWan) In 2013?  I was not aware of that.  I  
21           don't know if the senior housing was built in  
22           the years between 2013 and when we visited I  
23           think a year or two later.  I thought that the  
24           community, that the senior housing would have

1           been there earlier than that.

2       Q     So the question wasn't intended on having you  
3           match dates and times, but the point being, did  
4           you have an appreciation for the fact that  
5           Deerfield Center has what you saw as a,  
6           potentially a first-time visitor to Deerfield?

7       A     (DeWan) Yes.

8       Q     As a result of this Project, that what you saw  
9           was a result of, did you have an awareness of  
10          community planning creating what it is that you  
11          saw in the center?

12      A     (DeWan) Towns like Deerfield from our experience  
13          have evolved with time. You know, what makes  
14          Deerfield Center special is the fact that there  
15          are a collection of historic buildings creating  
16          spaces between the roads and the spaces out back  
17          that have evolved over time, and I would suspect  
18          that the design charrette that you're talking  
19          about was a way of using those spaces, refining  
20          them, looking at ways to make the village more  
21          attractive. I would suspect that it wasn't much  
22          discussion about removing any of the buildings  
23          that were out there. You're talking about  
24          senior housing. I know if there was additional

1 senior housing that had been proposed. Again,  
2 that's a concept that has a lot of different  
3 meanings and subtleties depending on the  
4 individual location.

5 Q As a visual expert, you understand the concept  
6 of, and this is a common real estate expression  
7 as well, but pride of ownership?

8 A (DeWan) Yes.

9 Q Do you agree that one way of measuring a  
10 community's pride would be the number of  
11 volunteer hours and tax dollars that are raised  
12 to complete projects like those listed above  
13 that I went through a moment ago?

14 A (DeWan) Certainly can be one way of measuring  
15 that, yes.

16 Q Looking at Exhibit Deerfield Abutter 141(d),  
17 this is page 14 of that design charrette. I'd  
18 like to read to you. No matter what you decide  
19 to do with the Community Center, think about  
20 replacing the spire. This is a wonderful old  
21 New England building. It would not only improve  
22 the integrity of the building but would add to  
23 the streetscape as well. So you can see on the  
24 left that is the, one of the areas that was

1 discussed during, one of the historic resources  
2 that was discussed, and you can see that there  
3 is a missing spire. And the rendition on the  
4 right is suggesting to consider having that  
5 replaced.

6 A (DeWan) Yes. I see that.

7 Q Would you agree with the charrette professionals  
8 that steeples and spires improve building  
9 integrity and streetscapes?

10 A (DeWan) They can.

11 Q Do you agree that church steeples add to the  
12 feel of a village center?

13 A (DeWan) They can.

14 Q Do you agree that it is expensive to maintain  
15 the beautiful architectural historic buildings  
16 in Deerfield Center?

17 A (DeWan) I would not be surprised.

18 Q Do you recall from your visit if the community  
19 center building shown on page 14 now has a new  
20 spire?

21 A (DeWan) Cheating, we're looking at our book, and  
22 yes, it does.

23 A (Kimball) Looking at the report, it looks fairly  
24 new and not like what's shown in the rendering.

1 A (DeWan) There is a --

2 A (Kimball) With the blue metal roof? Or the blue  
3 shingled top?

4 Q Yes.

5 A (DeWan) Yes.

6 Q Do you know how many spires are on the north  
7 side of Church Street? And I don't mean for  
8 this to be a homework assignment. Do you have a  
9 sense of how many -- we've been focusing on the  
10 Deerfield Community Church as a historic site,  
11 but are there other similar spires that add to  
12 the integrity of this center?

13 A (Kimball) I believe there's three.

14 Q That is correct.

15 A (Kimball) Okay.

16 Q Good job. From the 2000 charrette, page 4, it's  
17 identified as Deerfield Abutter 141(c).

18 A (DeWan) I thought you said 2013.

19 Q There are two design charrettes. The original  
20 charrette was 2000, and then there was work, and  
21 the community, the Deerfield Planning Board in  
22 2013 held another one.

23 A (DeWan) I see.

24 Q That was my point about it being an ongoing



1           commitment.

2       A     (DeWan) I didn't catch that when you said it  
3           initially.

4       Q     Okay. So I'd like to read for the record  
5           professionals' recommendation relating to the  
6           center of Deerfield.

7                   Keep in mind the wonderful traditional  
8           architecture that dominates the streetscape.  
9           New construction or improvements to existing  
10          structures should serve to enhance this  
11          traditional streetscape, not compete with it.

12                   You agree that existing conditions today in  
13          Deerfield Center have no negative visual  
14          elements competing with the various church  
15          steeple?

16       A     (DeWan) No, I would not say that. I know when  
17           we drove down and walked it, there's a lot of  
18           local distribution lines and light poles that  
19           from some vantage points certainly compete with  
20           the appearance of the steeples. I don't know if  
21           undergrounding those were part of the 2000 plan  
22           or not, but there's certain elements that are  
23           there that from our perspective seemed to  
24           compete.

1 Q So in certain circumstances, distribution lines,  
2 it is in your professional opinion that they  
3 are, can be distracting.

4 A (DeWan) They can be.

5 Q Okay. Yesterday Mr. Whitley established that  
6 there are several possible vantage points from  
7 several historic resources within this district,  
8 correct?

9 A (DeWan) We did hear that testimony.

10 Q And from your Prefiled Testimony, and I will  
11 provide this, if necessary, but I think it's  
12 been read multiple times. At the bottom of page  
13 24, and continuing on to page 25, you state that  
14 people come to New Hampshire to enjoy its  
15 intrinsic scenic qualities, and there's nothing  
16 that will be atypical about the type of visual  
17 impact that the Project will have.

18 Does that sound correct?

19 A (DeWan) That was a general statement, yes.

20 Q Okay. Are you testifying that there is nothing  
21 atypical about the intrusion of a HVTL tower and  
22 wires that will compete with a prominent village  
23 steeple in our center?

24 A (DeWan) That wasn't what I was referring to when

1 I wrote that summary statement.

2 Q Okay. Can you clarify, please?

3 A (DeWan) The summary statement that I wrote  
4 talked about a project of this scale, this  
5 magnitude and what might expect to occur over  
6 the length of the Project. It did not get into  
7 specifics.

8 Q Okay. Could we be specific? Would you consider  
9 the introduction of high voltage tension line  
10 towers into a village district setting such as  
11 Deerfield Center atypical?

12 A (DeWan) As you drive around the state, you find  
13 transmission towers, you find cell towers, you  
14 find a lot of other evidences of modern  
15 technology and infrastructure in many, many  
16 locations.

17 Q When considering unreasonable adverse effects on  
18 aesthetics, you agree that the Committee will be  
19 considering the extent to which the proposed  
20 facility would be a dominant and prominent  
21 feature within a cultural landscape, correct?

22 A (DeWan) Right. I believe that's the wording  
23 from the rules.

24 Q Yes.

1 A (DeWan) Yes.

2 Q Yes. Would you consider the, and I think we all  
3 have in our mind's eye your visual simulation  
4 from the center, would you consider the effect  
5 of the introduction of the Project in comparison  
6 to the steeples within our village streetscape  
7 to be a prominent distracting --

8 A (DeWan) If we can go back to the rule that you  
9 just quoted from, I believe it says something to  
10 the effect that the extent to which the Project  
11 will be a dominant or prominent appearance  
12 within a scenic resource. And so we, in this  
13 particular case, looked at the scenic resource  
14 which is not just that one location. We know  
15 that from that particular location is going to  
16 be quite visible. It might even be prominent.  
17 But from the scenic resource as a whole, I think  
18 the Site Evaluation Committee rules are the  
19 extent to which it may be a dominant or  
20 prominent feature, we felt over the entirety of  
21 the Deerfield Center area is not going to be  
22 dominant or prominent. There will be places  
23 within it where it will be certainly more  
24 visible.

1 Q You state in your Prefiled Testimony on page 24  
2 that human development including large scale  
3 buildings and other structures is a fact of life  
4 in an organized society. Would you agree that a  
5 community may have organized itself by defining  
6 what is acceptable or unacceptable as it  
7 pertains to development as evidenced by Planning  
8 Board and Zoning Board decisions and guidelines  
9 for a community?

10 A (DeWan) There are many ways that communities can  
11 define their future. You recognized some of  
12 those.

13 Q Do you agree that, and Bob touched on this topic  
14 of cultural values. Do you agree that the  
15 cultural value of a community may be evidenced  
16 in their voting records?

17 A (DeWan) That certainly is their underlying  
18 traditions that get expressed. It's not the  
19 cultural values that we're considering, though,  
20 the way we define the term in terms of our  
21 Visual Impact Assessment.

22 Q Could we take a look at Deerfield Abutter  
23 Exhibit 143? And this is a letter from the  
24 Deerfield Board of Selectmen to a Mr. Brian

1 Mills. And are you aware that of the fact in  
2 2013 that Deerfield overwhelmingly voted to  
3 state its opposition to Northern Pass and for  
4 reasons stated as underlined that this  
5 development of the town was inconsistent with  
6 our master plan in addition to concerns about  
7 degradation of Deerfield's scenic vistas. Were  
8 you aware of Deerfield's, this vote?

9 A (DeWan) I was aware that many communities have  
10 expressed opposition in a variety of different  
11 ways.

12 Q So I'd like to go back to the original question  
13 that I opened with, and I'll paraphrase from  
14 your Prefiled Testimony. Again, from page 24.  
15 That the presence of the transmission  
16 structures, conductors, et cetera, within the  
17 viewshed of the scenic resources along the  
18 Project corridor will not have a noticeable  
19 effect on the public's continued use and  
20 enjoyment of the scenic resources.

21 Do you consider Deerfield residents part of  
22 the public?

23 A (DeWan) Absolutely.

24 Q So as a Deerfield resident, in essence, you're

1           testifying that Northern Pass Transmission will  
2           not have a noticeable effect on my continued use  
3           and enjoyment of the scenic resources in the  
4           Deerfield Center, correct?

5       A     (DeWan) Well, we have testified, and I think we  
6           talked about this at quite a bit of length  
7           yesterday that the term "continued use and  
8           enjoyment" is really a two-part construct.  
9           Continued use and enjoyment.

10       Q     Yes.

11       A     (DeWan) And we did not say that it's going to  
12           have no effect. We said it was going to have a  
13           low overall effect. Now, we don't consider the  
14           fact that the transmission structure's presence  
15           is going to have any effect on the way people  
16           now use the area. They're still going to go to  
17           the Deerfield Center, to church services, to  
18           other facilities that are there, the recreation  
19           areas and so forth. And people may not like it,  
20           and I think you're a prime example of that. So  
21           there's going to be some people who are not  
22           going to like it. That will certainly be an  
23           expression of the enjoyment factor.

24       Q     I'd like to talk a little bit more about the use

1 of Deerfield Center to determine your basis for  
2 your conclusion. Can you list for us the  
3 current uses of the Deerfield Historic Town  
4 Hall?

5 A (DeWan) I don't know the specific uses of it. I  
6 would assume that the Town Hall is used  
7 primarily for meetings of a variety of  
8 functions.

9 Q So you're not aware that the Deerfield Town Hall  
10 is used for deliberative sessions, for public  
11 hearings, for voting? Are you aware that there  
12 are town celebrations that occur in the  
13 Deerfield Center?

14 A (DeWan) I would not be surprised. These are all  
15 the sort of functions that one normally finds in  
16 structures like this.

17 Q How can you say that you have -- how can you be  
18 so sure that there's going to be continued uses  
19 when you don't know what the uses are? How can  
20 you, how could you have come to that conclusion?

21 A (DeWan) I think it stands to reason that if a  
22 structure that's several hundred feet away is  
23 present, I don't understand how that would  
24 affect the continued use of a structure for the



1 uses that you've talked about which are held  
2 inside of a public building. People are still  
3 going to go there to vote, to meet, to have  
4 celebrations.

5 Q You mentioned yesterday, and I'll just use this  
6 as one example, you mentioned yesterday that the  
7 parking lot next to the Town Hall, you were  
8 describing this parking lot in the context of  
9 why your visual simulation was from the middle  
10 of the road versus other vantage points. And  
11 you did not know that the use of that particular  
12 parking lot, people within that go to the Bible  
13 Church across the street park there. It's like  
14 a park-and-walk area for that whole center. So  
15 the use of a parking lot which, as you say,  
16 would stand to reason may go beyond a common  
17 use. Do you agree that your lack of  
18 understanding or uses of this area may not have  
19 the true measure of impact to the residential on  
20 the general public who use this area?

21 A (DeWan) Well, I looked at parking lots, to use  
22 your example here, and I know how people use  
23 parking lots, and people go to a place that has  
24 a destination like the Deerfield Center to go to

1 the church across the street, they're looking  
2 for a place to park their car, get out of the  
3 car and they head across the street aiming in  
4 that direction. I can't imagine why the view of  
5 a structure down the street is going to affect  
6 the way that they then park their car and walk  
7 across the street.

8 Q So you cannot imagine impacts to residents  
9 within the Deerfield Center from this Project,  
10 correct?

11 A (DeWan) There will be impacts. I'm not saying  
12 there's not going to be impacts. I'm just  
13 responding to your examples here.

14 Q Could we take a look at Deerfield Exhibit 142?  
15 Do you agree that Deerfield Village Center is  
16 not unlike many other New Hampshire town village  
17 centers in that they're highly valued scenic  
18 resources?

19 A (DeWan) I would agree.

20 Q This is just a cover from our Annual Report from  
21 2006. In the 192-mile Project route, can you  
22 list the other town village centers or community  
23 areas that you identified as having a Project  
24 visual impact?

1 A (DeWan) Not without going through our report and  
2 looking at each of the village centers that we  
3 identified.

4 Q Can you give me a ballpark? The fact that it's  
5 not noteworthy in your mind, would it be true to  
6 say that --

7 A (DeWan) Well, we evaluated 15 or so town  
8 centers, and we arrived at a determination of  
9 impact for many of them.

10 Q So you don't have a number handy?

11 A (DeWan) I don't have a specific number.

12 A (Kimball) Maybe a dozen.

13 Q How might we locate those other village centers  
14 that would --

15 A (DeWan) That would be part of our Visual Impact  
16 Assessment and supplemental work that we  
17 provided.

18 Q Okay. Are you aware that the Counsel for the  
19 Public had identified 42 village centers and  
20 community areas that may have Project impact?

21 A (Kimball) Yes. They identified their village  
22 centers based on the bare earth viewshed  
23 mapping.

24 Q Yes.

1 A (Kimball) That's correct.

2 Q Yes.

3 A (DeWan) Within ten miles.

4 Q Yes. I have no further questions.

5 PRESIDING OFFICER HONIGBERG: All right.

6 This seems like a good time to take a break.

7 We'll come back at 20 minutes after 1.

8 (Lunch recess taken at 12:20  
9 p.m. and concludes the **Day 33**  
10 **Morning Session**. The hearing  
11 continues under separate cover  
12 in the transcript noted as **Day**  
13 **33 Afternoon Session ONLY**.)

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**C E R T I F I C A T E**

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

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Dated at West Lebanon, New Hampshire, this 14th day of September, 2017.

\_\_\_\_\_  
Cynthia Foster, LCR