

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

September 15, 2017 - 9:08 a.m. **DAY 34**
49 Donovan Street **Morning Session ONLY**
Concord, New Hampshire

{Electronically filed with SEC 09-25-17}

IN RE: SEC DOCKET NO. 2015-06
NORTHERN PASS TRANSMISSION -
EVERSOURCE; Joint Application of
Northern Pass Transmission LLC and
Public Service of New Hampshire d/b/a
Eversource Energy for a
Certificate of Site and Facility
(Hearing on the Merits)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

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

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

I N D E X

WITNESS PANEL

TERRENCE DEWAN

JESSICA KIMBALL

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E X H I B I T S

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NAPO-BP 15	Main Street, Franconia Photo 9/8/17	11
NAPO-BP 16	Dow Park, Franconia, NH Google Earth, accessed 9/8/17	7
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P R O C E E D I N G S**(Hearing resumed at 9:08 a.m.)**

1
2
3 PRESIDING OFFICER HONIGBERG: Good morning,
4 everyone. We're here for Day 34 of the
5 hearings. We're going to start this morning
6 with Ms. Schibanoff questioning the Panel. Ms.
7 Schibanoff, you may proceed.

8 MS. SCHIBANOFF: Thank you.

CROSS-EXAMINATION

9
10 **BY MS. SCHIBANOFF:**

11 Q Mr. DeWan, Mr. Kimball. I'm over here.

12 A (Kimball) Hello.

13 A (DeWan) Good morning.

14 Q Good morning. I'm in the Non-Abutting Property
15 Owners, Bethlehem to Plymouth Group. I'm the
16 spokesperson. This is, of course, on the
17 underground route. We Non-Abutters live a
18 stone's throw off the underground route.

19 And I'd like to start, please, Jeanne
20 Menard is going to help with the ELMO. And
21 we're going to have to enlarge. There we go.

22 The first exhibit I'd ask you to look at is
23 from your Visual Impact Assessment. This is
24 Volume 15, Appendix 17, and it would be, I

1 think, an October 2015 date? Was that your
2 Visual Impact date of filing?

3 A (DeWan) Yes. That is correct.

4 Q Thanks. I had to look at the reduced size
5 sections. The computer shuts down when I try to
6 open the entire file so what we're looking at
7 here is from your VIA, the reduced-size section,
8 pages 201 to 300, and within that it's PDF page
9 33.

10 And, Mr. DeWan, I'm going to ask you to
11 read the section that I have highlighted, if you
12 can see it. If you can't, I will read it for
13 you.

14 A (DeWan) My screen at this point is black.

15 Q Okay.

16 A (DeWan) It's back. This is Section 4. Scope
17 and -- sorry. It went black again. I think
18 we're back.

19 Scope and scale of change in the landscape,
20 viewing from scenic resources, underground
21 transmission line. The installation of the
22 underground transmission line will have no
23 permanent visual effect on the landscape of
24 Subarea 3. There will be no long-term clearing

1 of vegetation required. Any vegetation
2 disturbed during construction will be allowed to
3 regenerate.

4 Q Have you done any further work on subareas 3
5 since October 2015?

6 A (DeWan) Yes, we have.

7 Q Does this statement still stand?

8 A (DeWan) We believe that's a very accurate
9 depiction of the intent of the Project.

10 Q So you would stand by this statement then?

11 A (DeWan) Yes.

12 Q Okay. Thank you. Could we now go to Exhibit
13 12, please? This, again, is from the same
14 source that I just quoted, but it's page, PDF
15 page 28, Subarea 3 Scenic Resources. And could
16 I ask you, Mr. DeWan, to identify the scenic
17 resources that you found in Franconia? I have
18 highlighted some of them. There are a few more.

19 A (DeWan) Okay. I will read the ones that are
20 highlighted. Number 10, Fox Hill Park; number
21 11, Dow Academy; number 13, Wallace Hill Road;
22 number 18, Wildwood Campground.

23 Q Okay. And I will add other Franconia areas that
24 I didn't highlight and should have. Number 12,

1 Bickford Hill Road; 15, Franconia Inn
2 Cross-Country Ski Trails; 16, Lafayette Road.
3 The Wildwood Campground is actually in Easton.
4 And number 21, Ham branch of the Gale River
5 which is Franconia/Easton. May I ask you now in
6 the Franconia scenic resources that you
7 identified why you did not identify the Dow
8 Park? And I'll ask Ms. Menard to put up Exhibit
9 16, please, to refresh your memory.

10 This is a Google satellite map, crudely
11 outlined in pink by me, to show you the Dow
12 Park, also known by locals as the Dow Strip, but
13 I think the town doesn't like to use that term
14 because it may have the wrong implications out
15 there on the web. It abuts the underground
16 route, would be on the left side of your
17 picture, 116, and this was a site that the SEC
18 toured back in July. And just a little more
19 background information here.

20 Jeanne, if you could put up Exhibit 17,
21 please.

22 This is from the town of Franconia website.
23 These exhibits will be uploaded later today.
24 This is from the town of Franconia website. It

1 identifies the Dow Park and describes it. Eight
2 acres of open greenway, 1685 feet of river
3 frontage, athletic fields, playground for
4 children 3 to 12, gazebo, et cetera. It was
5 partly funded by a grant from the LWCF program
6 which I believe is a state program as well as
7 private money.

8 I do not see this resource, Mr. DeWan and
9 Ms. Kimball, on your scenic resources list that
10 we looked at earlier. Can you tell me why?

11 A (DeWan) I believe that we considered that to be
12 part of the Dow Academy property which is listed
13 as Scenic Resource 11 on our list on page 3-4.

14 Q Are you aware that the Dow Academy is a private
15 condo association and that the Dow field or
16 strip is town-owned?

17 A (DeWan) I'm not aware of that.

18 Q Okay. They are two separate resources, and they
19 are not on your list. Your description of the
20 Dow Academy does not include the adjacent land
21 we're talking about and you have the owner as
22 private.

23 Okay. So in this group of scenic resources
24 that you have identified for Franconia, there's

1 a little clutch of them in downtown Franconia.
2 If you don't mind, I'm going to include the Dow
3 Field here which you thought was part of the
4 Academy. We then have three properties abutting
5 the underground route, and this is the area
6 where you said any vegetation disturbed during
7 construction will be allowed to regenerate.

8 I'd like to turn now to Exhibit 14. Are
9 you familiar with what are called Exception
10 Requests, Mr. DeWan?

11 A (DeWan) I am somewhat familiar with that term.

12 Q Can you describe what they are, please?

13 A (DeWan) My understanding is that it's part of
14 the Application to the New Hampshire Department
15 of Transportation to allow the location of the
16 underground sections to be located in areas
17 outside of where the Department of
18 Transportation would prefer to see them located.

19 Q Okay. Essentially, they are requests to the New
20 Hampshire Department of Transportation to move
21 what is the currently planned alignment
22 generally under the pavement. This particular
23 one, number 107, is pending. Would you please,
24 if you can see it, and if you can't, I'll do it,

1 read the section that I have highlighted in
2 yellow?

3 A (DeWan) "NPT is requesting an exception from the
4 UAM guidelines for the location of the cable
5 trench in the pavement vicinity of the
6 intersection of New Hampshire 18/116, Wallace
7 Hill Road, and NH 116 from Station 286 plus 75
8 to 293 plus 79 of the NPT SHEB Underground
9 Alignment.

10 The proposed alignment crosses the highway
11 at this location to align with the microtunnel
12 entry pit located on the eastern side of the NH
13 116 at 293 plus 79. (See Exception Request
14 108). In an effort to preserve sidewalks and
15 established landscaping in front of local
16 businesses, the proposed alignment is located in
17 the pavement in this area."

18 Q Okay. Thank you for going through all the
19 numbers. They're sort of cumbersome.
20 Essentially, the Project, if I may summarize
21 here, wants to move the cable trench so that it
22 does not take out or unpreserve sidewalks and
23 established landscaping in front of local
24 businesses in downtown Franconia.

1 Jeanne, if you could turn to the third page
2 of that exhibit, please.

3 MR. NEEDLEMAN: Mr. Chair, is there a
4 question about these exhibits?

5 MS. SCHIBANOFF: Yes. Coming.

6 BY MS. SCHIBANOFF:

7 Q The area that is being described in this
8 Exception Request is outlined in yellow. It
9 will be difficult for you to see. And Exhibit
10 15 now, please, will show you what that looks
11 like from a street view.

12 This is the area referred to in the
13 Exception Request that the Project would like to
14 preserve and has requested an exception for.

15 Mr. DeWan, this area is visible from three
16 of the scenic or four of the scenic resources
17 you identified in Franconia. If it had to be
18 removed, would you see this as an adverse visual
19 impact on those scenic resources?

20 A (DeWan) Maybe I don't understand your question.
21 When you say it had to be removed, what
22 specifically are you referring to?

23 Q The three benches and the three trees that you
24 see in this photo which are right on the side of

1 Route 18 and the subject of the exception or
2 mentioned in the Exception Request that you just
3 read.

4 A (DeWan) I don't know the details of this, and I
5 don't know how current the plans are that you're
6 showing. To answer your question, it's my
7 understanding that if benches or anything that's
8 in the landscape had to be moved, they would be
9 replaced in kind.

10 Q Is it your understanding that mature trees would
11 be allowed to regenerate in an area where there
12 is either cable trenching or HDD drilling?

13 A (DeWan) I'm not involved in that aspect of the
14 Project.

15 Q So that's a "don't know."

16 A (DeWan) I don't know the specific answer to your
17 question. And I think that you said in the
18 vicinity of. Again, there's a lot of subtleties
19 there.

20 Q Well, the Exception Request talks about
21 established landscaping, and this would be the
22 established landscaping plus there's a flower
23 bed further down.

24 My question to you would be do you think it

1 is desirable or even necessary to update your
2 Visual Impact Assessment to take into account
3 the actual plans as we have them today for the
4 underground route? I'm not talking about what
5 might be changed later on or do you think that
6 would be a desirable event?

7 A (DeWan) As we understand it right now, in
8 conferences with the design engineers that we've
9 had since this issue came up recently, we know
10 that the final design is still in the works. It
11 has not been finalized yet. I know the intent
12 is to examine the area along the way, to avoid
13 situations like this. Our analysis looks at the
14 entirety of Route 116 which as we know is a
15 Scenic Byway, and our judgment is based upon the
16 effects that it would have on the entirety of
17 the Scenic Byway. So --

18 Q So your Visual Impact Assessment is not complete
19 at this point.

20 A (DeWan) Our Visual Impact Assessment is complete
21 based upon the information we had at the time.

22 Q Does it or does it not take into account removal
23 of mature trees on this underground route?

24 A (DeWan) At the time that we had the information

1 provided to us by the Applicant, by the
2 engineers, the information that we dealt with
3 did not deal with the removal of any trees.

4 Q Okay. Thank you. Do you know how many
5 Exception Requests are asking to move the
6 alignment so that mature trees are not removed?

7 A (DeWan) I do not know that information.

8 Q Thank you very much. That's all I have.

9 PRESIDING OFFICER HONIGBERG: All right.
10 Next on my list is the Pemi River Group.
11 Mr. Draper and Mr. Stamp?

12 MR. STAMP: We'll start with Gretchen
13 Draper.

14 **CROSS-EXAMINATION**

15 **BY MS. DRAPER:**

16 Q Good morning. My name is Gretchen Draper, and
17 I'm part of the team that represents the
18 Pemigewasset River Local Advisory Committee.

19 A (DeWan) Good morning.

20 Q So I'm going to be asking questions mainly that
21 have to do with the Pemigewasset River. I'm
22 interested in, again, some of your reasoning for
23 how you come to some of your conclusions, and
24 I'm going to talk a little bit about research

1 that would have bearing on the river and its
2 aesthetics.

3 So I'm going to start, when you started
4 your work, were you aware that the Pemigewasset
5 River is a Designated River under the River
6 Management Protection Program?

7 A (DeWan) Yes, we are.

8 Q Were you aware of that in the beginning?

9 A (DeWan) Yes, I believe we were.

10 Q Okay. Thank you. And what's your understanding
11 of a Designated River in New Hampshire?

12 A (Kimball) I believe our general understanding is
13 that a river can be designated a variety of
14 reasons. One being water quality protection.
15 There's a scenic component. There are a number
16 of factors that lead to its designation.

17 Q Do you know that rivers have more than one, can
18 carry a wide variety of designations? You know,
19 under the designation? You could have several
20 aspects; scenic beauty, water quality, you know,
21 things like tourism, recreation?

22 A (Kimball) As I said, there's a number of
23 categories.

24 Q Number of categories. Correct.

1 Now, how do the Maine laws on Designated
2 Rivers differ from the New Hampshire River
3 Management Program?

4 A (DeWan) The Maine River Study was a program that
5 was done back in the 1980s, I believe, by the
6 National Park Service. They evaluated all the
7 rivers in Maine. They came to conclusions about
8 their value for a variety of different
9 resources. They categorized them to an A, B or C
10 designation. They looked at the Maine rivers
11 and the stems of the rivers, the streams leading
12 into them.

13 Q When you are doing your visual analysis of Maine
14 rivers, is there a difference with how you would
15 approach New Hampshire rivers because of the
16 difference in designation?

17 A (DeWan) The difference, I think, is that in at
18 least in some aspects of the work that we do the
19 Maine law requires us to look at rivers that
20 have been designated specifically for scenic
21 quality, and we have a list of those.

22 Q How about New Hampshire?

23 A (DeWan) In New Hampshire we look at rivers that
24 have been designated under this water quality

1 program.

2 Q Not under a scenic program, but under water
3 quality?

4 A (DeWan) That's right.

5 Q Was there a reason for that?

6 A (DeWan) Reason for?

7 Q Not looking at the scenic quality but looking at
8 water quality?

9 A (DeWan) No. No. We looked at all the rivers
10 that have been designated and read the reports
11 that were issued, and so in doing that, we read
12 the descriptions that were offered in the
13 reports as it pertains to scenery.

14 Q All right. And in your study, did you look at
15 the Pemigewasset, the PRLAC management plan
16 that was done in 2013?

17 A (DeWan) I believe we did.

18 Q And I guess I'm interested in why you chose to
19 evaluate the Pemigewasset River as a whole. Do
20 you know how long it is?

21 A (DeWan) Approximately 70 miles.

22 Q Um-hum. Why would you evaluate a 70-mile linear
23 river that pretty much the Project goes along?
24 Why would you look at it as a whole rather than

1 sections?

2 A (DeWan) Well, as we've explained in the past
3 before this body, our interpretation of the
4 rules ask us to look at scenic resources. And
5 the resource in this particular case is the
6 Pemigewasset River. That's the reason we
7 looked at it.

8 Q As one resource.

9 A (DeWan) As one resource. Much the same way
10 we've looked at Scenic Byways as an entity.

11 Q Are you aware that the Pemi is designated and
12 it's recognized with different classifications
13 in different areas?

14 A (DeWan) I'm not sure I understand the question,
15 but rivers are very often designated on a
16 variety of different things relative to water
17 quality, for example.

18 Q All right. Could you give me an example of
19 that?

20 A (DeWan) Again, I'm using some Maine examples.
21 Depending upon the water quality a river may be
22 rated an A, B or C river.

23 Q All right. I was thinking more that in New
24 Hampshire, we have classifications where it's a

1 natural river, it's a rural, community, it could
2 be a combination. And, for example, Franconia
3 would be considered a natural river. Thornton
4 to the I-93 bridge in Plymouth is rural. We
5 have a community designation that goes from
6 Plymouth to the Ashland/Holderness town line.
7 It's a very short little bit, and then it goes
8 back to rural from that Ashland/Holderness line
9 and all the way down to the Franconia Falls Dam,
10 and I'm most interested in the last area because
11 that goes through Bridgewater, New Hampton.
12 There are several crossovers which you
13 evaluated, and the designation there is rural,
14 not community, not urban, and I wonder what,
15 when you go into a river area and it's
16 considered rural, and you're looking at the
17 visual impacts, what would be different than if
18 you were looking at something that would be a
19 community designation?

20 A (DeWan) Certainly when we look at terms like
21 that that gives us a sense of anticipation what
22 to expect when we visit the river, visit the
23 resource, an anticipation of what sort of
24 vegetation you might find along the riverbanks,

1 the character of the riverbanks, the number of
2 structures that we may see in any particular
3 area. It may also relate to the type of use
4 that the river or the resource may have.

5 Q And knowing now that that whole section of the
6 Pemigewasset River is considered rural, is
7 there anything that you might change about your
8 way of going about that evaluation if you had
9 known in the beginning?

10 A (DeWan) No.

11 Q No. There are two, did you visit the two scenic
12 easements on the river?

13 A (DeWan) Yes, we did.

14 Q Did you include them in your study?

15 A (DeWan) Yes. We did. I believe we have a
16 photo, described in detail in our report.

17 Q Did you go to the floodplain that's managed by
18 the Army Corps of Engineers in New Hampton?

19 A Yes. I believe we went to the section in
20 Franklin.

21 Q In Franklin. You did not go to a section in New
22 Hampton or Bristol or New Hampton would be the
23 main one.

24 A (Kimball) We may have looked at it further north

1 as well. We looked at it where it crosses
2 between Bristol and New Hampton.

3 Q Where would that be exactly where you looked at
4 it?

5 A (Kimball) We looked at it at the crossing. We
6 also looked at it from the Ayres Island Dam area
7 within our VIA.

8 Q So you didn't visit Coolidge Woods Road, for
9 example?

10 A (DeWan) I believe we did.

11 A (Kimball) Yes, we did.

12 A (DeWan) It's on the east side of the river.
13 Picnic area there.

14 Q It's a big kayaking place.

15 A (DeWan) Right.

16 Q I mean, it's, so that you probably weren't then
17 aware that there are, there's the scenic value,
18 the tourism, that brings people to that area,
19 are you?

20 A (DeWan) We were very aware of the scenic value
21 of the area after having visited it.
22 Photographing it.

23 Q Right. Um-hum. And were you aware of the
24 archeological sites close to this area?

1 A (DeWan) That's not our area of expertise.

2 Q But wouldn't the archeological historical sites
3 be added to cultural significance?

4 A (DeWan) Archeological sites is not an area that
5 we deal with.

6 Q It's not an area you feel has cultural
7 significance?

8 A (DeWan) I didn't say that. It's not an area --

9 Q I'm sorry. What did you say?

10 A (DeWan) Archeological sites is not an area that
11 we deal with when we do a Visual Impact
12 Assessment.

13 Q I guess I'm a little confused then, too, because
14 I'm wondering why you would not have put more of
15 a visual impact, written something up more about
16 this Coolidge Woods area, seeing that it's Army
17 Corps of Engineers, it's in a rural area, it's
18 going to be impacted by the towers, and there's
19 two important historical sites. The long carry
20 is one.

21 A (DeWan) I believe we described the Franklin
22 Falls Reservoir in some detail.

23 Q Right. Well, this is absolutely at the other
24 end of the Franklin Falls Dam.

1 A (Kimball) Right, but the reservoir runs several
2 miles up to the north where I believe Coolidge
3 Woods is located.

4 Q All right. This is, we don't consider this, I
5 mean, it's part of the reservoir certainly, but
6 it's below the Ayres Dam, it's a scenic part of
7 the river, it's where there's a great deal of
8 tourist activity.

9 MR. NEEDLEMAN: Objection.

10 MS. DRAPER: Pardon me? Why? I'm trying
11 to --

12 PRESIDING OFFICER HONIGBERG: I suspect
13 it's because you're, it sounds like you're about
14 to argue with them about what they did. If you
15 want to know what they did and why, you can ask
16 them that, but this isn't really the time to
17 argue with them about it.

18 MS. DRAPER: Okay. I would like to argue
19 with them, but I won't.

20 PRESIDING OFFICER HONIGBERG: I have no
21 doubt you would, and a couple years from now
22 maybe you can do that. But not here. Not now.

23 BY MS. DRAPER:

24 Q Thank you. I guess what I'm, my, the point of

1 all of this is just why would it be dropped from
2 your -- you have a reason for dropping this area
3 from your evaluation?

4 A (Kimball) So, as I said, we have included the
5 Franklin Falls Reservoir as the scenic resource.
6 The Coolidge Woods access point is located in
7 the Franklin Falls Reservoir. We may even have
8 included a photo of that in our report. I'll
9 have to double-check. But at this particular
10 point, the Project is located east of that
11 recreation area, and the river is located to the
12 west. So it's a wooded area, there isn't any
13 direct impact at this point from the
14 transmission line.

15 Q Right. And do you realize that the transmission
16 line is considerably above the river so that in
17 our estimation the towers will be seen when
18 they're -- the towers are, there's an existing
19 right-of-way. You do not see the towers now,
20 although when we move -- I'll stop there.

21 So were you aware that it's on a -- you're
22 going to be sitting in the river looking up
23 seeing towers?

24 A (DeWan) We indicated in our description of the

1 effects that would have on the river the amount
2 of visibility that it would have and the
3 distance from which the structures would be
4 visible to somebody who's on the river.

5 Q Right. And how far is the distance that you
6 estimated?

7 A (DeWan) That depends on where you are. As we
8 know, there are four crossings and on page 4-4
9 of our Visual Impact Assessment, we provide a
10 description of each of those crossings and I
11 believe for each one of those we describe how
12 far upstream somebody would first encounter a
13 view of the facility.

14 Q Yes. And I was really asking about the Coolidge
15 Woods site.

16 A (Kimball) It appears just from looking at the
17 map it's about a third of a mile.

18 Q Right.

19 A (Kimball) And I would add that on page 4-47 of
20 our report we have a photograph of the river
21 from the Coolidge Woods access point.

22 Q Did you do any photography or consideration
23 while on the river or were you always on the
24 land considering or on computer?

1 A (DeWan) We did not go on the river.

2 Q You did not.

3 A (DeWan) No.

4 Q How would you characterize the viewpoint of a
5 person who's in a kayak or canoe versus someone
6 who's on the land? What would be the
7 difference?

8 A (DeWan) A person that is on the land, obviously,
9 is at a stationary, usually at a stationary
10 point or walking along a trail perpendicular to
11 the river, parallel to the river. A person who
12 is on a watercraft heading, generally heading
13 downstream, I would assume, is going to have a
14 changing experience that's unobstructed by the
15 vegetation. They will see, primarily, a water
16 landscape defined on either side by the banks of
17 the river, primarily defined by vegetation.
18 Much different experience.

19 Q And do you expect that people going down the
20 river -- I'm thinking of the river above the dam
21 which is very much above Ayres Dam which is very
22 much a slow-moving, there isn't a big current.
23 It's pretty much flat water along the way. So
24 you'd have people on the river, flat water,

1 taking their time. What do you think when they
2 start to approach a right-of-way? Would they be
3 aware of the cable crossing the river?

4 A (DeWan) Again, it depends upon the alignment of
5 the river, whether or not there's bends in the
6 river. It depends on the type of vegetation,
7 the maturity of the vegetation on either side,
8 but it also very much depends upon the person's
9 position in the river relative to the centerline
10 and relative to vegetation. You know, that will
11 vary greatly upon where they are. In other
12 words, in the middle of the river they may see
13 things at a greater distance than someone who's
14 closer to the edge. Again, depending upon the
15 bends in the river.

16 Q Would you agree that someone going under the
17 cables will be very aware of the cables, the
18 right-of-way, the structures on either side?

19 A (DeWan) They will be aware. They will see them.
20 Just like they are now crossing underneath the
21 conductors.

22 Q At the present time, many of those structures
23 are wooden structures. They're the usual 45, 50
24 feet. At some of these crossovers, for example,

1 New Hampton to Bridgewater, the tower, the
2 structures are going to be up to things like 105
3 feet, 110 feet, 80 feet, and they're going to be
4 a combination of monopoles, but then very
5 quickly it turns to the lattice structure.

6 Would you agree that there's a difference
7 between the current view that people get when
8 they look up the river, up the right-of-way?

9 A (DeWan) Yes, and we've shown that in photo
10 simulation form.

11 Q Correct. Are you aware that bird watching is a
12 really big deal on the Pemigewasset?

13 A (DeWan) I would not be surprised.

14 Q And what do bird watchers usually do when
15 they're on the river? Do you have an idea of
16 what they might be doing on the river looking
17 for birds?

18 A (DeWan) I would assume they would be looking for
19 birds. Depending upon where they are, they
20 would either be on a boat or on the shoreline.

21 Q And what's some of the equipment that people use
22 for looking at birds?

23 A (DeWan) A birder's handbook, a camera,
24 binoculars.

1 Q So I'm wondering what the effect will be of
2 sitting in a river looking for eagles with your
3 binoculars, what will be the effect when someone
4 with binoculars looks at the cables,
5 right-of-way?

6 A (DeWan) They'll be able to see them just like
7 they see the existing conductors that cross the
8 river.

9 Q Will the binoculars make a difference in sort of
10 the impact?

11 A (DeWan) When we do Visual Impact Assessment, we
12 base it upon a person's normal view looking from
13 a particular viewpoint, not in a binocular view.
14 That's the reason we use what we call normal
15 photographs as opposed to telephoto photographs.

16 Q All right. Earlier in this session when you
17 were talking with the Counsel for the Public,
18 you spoke about the impact that one of the
19 things, this is a quote, the impact on the view
20 and the viewer. How do you define viewer?

21 A (DeWan) A viewer is anybody that experiences a
22 view. Viewers can be categorized in any number
23 of different ways. They can be residents who
24 may see it on a day-to-day basis. It could be

1 tourists who come from outside the area. It
2 could be people who work in the area.

3 Q Did you give any weight to different categories
4 of viewers?

5 A (DeWan) We did not give any weight. We
6 identified in each of the areas we looked at for
7 our Visual Impact Assessment of the type of
8 viewers who would be expected, may encounter the
9 particular view.

10 Q Right. So I guess I'm wondering about the
11 people who are going to be your constant
12 viewers. The people who live there. The
13 residents. How many of the, I guess I'm
14 interested in how much you looked at those kinds
15 of folks versus somebody who just might be
16 passing through an area.

17 A (DeWan) As I said, we've identified the types of
18 individuals and user groups who may be exposed
19 to the views of the Project as it crosses the
20 river.

21 Q So what percent of your projects include some
22 kind of public survey? What percentage?

23 A (DeWan) When you say our projects, are you
24 talking about our office's projects?

1 Q Your office's projects. More or less.

2 A (DeWan) Less than five percent.

3 Q Is it accurate to say that you mentioned
4 intercept surveyors to the Applicant and they
5 demurred?

6 A (DeWan) There was a discussion that we had
7 looking at ways to address some of the issues
8 that were raised in the SEC rules on continuing
9 use and enjoyment, and we had a discussion about
10 our experience in wind power projects in Maine,
11 through the use of intercept surveys, and I
12 believe we testified a couple of days ago that
13 as a result of that initial discussion we
14 decided not to pursue that.

15 Q Right. And I'm interested in some of the
16 reasons that you had mentioned for not doing
17 intercept surveys, first being that the SEC
18 rules don't require it. Is that true?

19 A (DeWan) That's certainly a major component of
20 it.

21 Q Um-hum.

22 A (DeWan) As I also testified, we've done a lot of
23 research in this area, we've done a lot of
24 transmission line work over the last 30 years.

1 We have never done a intercept survey for a
2 project involving transmission lines
3 specifically. In our work with other
4 consultants, for example, the ones hired by the
5 Counsel for the Public, they have never done any
6 intercept surveys for transmission lines. We've
7 done extensive research, found none that had
8 ever been done for transmission lines, at least
9 in the United States, that we were able to
10 define. Virtually none.

11 Q Are you curious as to why there have been no
12 intercept, any public surveys about this?

13 A (DeWan) I can certainly understand the rationale
14 behind it. As you know, we did a somewhat
15 comparable, perhaps even larger project than
16 this in the state of Maine. We did not do an
17 intercept survey for that. It was accepted by
18 our Department of Environmental Protection. And
19 as I said earlier, we've done a lot of other
20 projects similar to this and we've never had the
21 need to do one.

22 Q Right. I guess my question was more about just
23 professional curiosity. You could have been the
24 first. Is that, do you see any movement towards

1 public surveys for transmission line projects if
2 there have never been any?

3 A (DeWan) I've never seen any indication in any
4 other situation that has discussed the use of
5 intercept surveys in these kind of situations.

6 Q And one of the things that, I don't know if it
7 was said in gest or not, but that one of the
8 reasons said in passing was that people had
9 already made up their minds, and that was why
10 would you do a survey; is that accurate?

11 A (DeWan) I don't think that's an accurate
12 statement.

13 Q Okay. Is the sentiment accurate?

14 A (DeWan) I think that what we may have been
15 getting at when we, when you heard the
16 discussion revolved around public sentiment is
17 that when we've had other survey professionals
18 who we work with do our intercept surveys, they
19 very often are the first -- it's very often the
20 first time that people who they interview are
21 aware of the project, and so they approach it
22 with an unbiased objective result. And they
23 show them photo simulations, they ask them to
24 identify what their reaction may be to that

1 particular project at that particular viewpoint.
2 And a lot of other questions then go into the
3 survey to produce a result. And the results
4 have been very helpful in at least in the state
5 of Maine in helping the Department of
6 Environmental Protection understanding the
7 effect of wind power development on specific
8 resources.

9 Q So I know you have attended some of our public
10 sessions, also some of the information sessions
11 that the Applicant has put on. Is that true?

12 A (DeWan) I have attended many sessions.

13 Q What I'm wondering is you were just talking
14 about in the early days you believe that the, a
15 project presented an unbiased viewpoint of what
16 the visual effects and where the structures will
17 be placed, et cetera?

18 A (DeWan) I don't know if I heard the question
19 correctly. Could you repeat that, please?

20 Q I guess what you just mentioned how in Maine
21 when they started the surveys that early on
22 people would have less of a bias towards a
23 project; is that true? Was that your intent?

24 A (DeWan) I think the intent was to say we would

1 like to have people's reaction before they
2 perhaps have made up their mind about a Project
3 and they're looking at, you know, the before and
4 after photographs, the photo simulations for the
5 most part for the first time.

6 Q That's what I'm kind of leaning towards is I'm
7 wondering what your thoughts are on some of the,
8 I'm thinking back to, you know, to 2015, early
9 2016, when the Project was presenting its route,
10 the different features of the Project. What was
11 the reaction, in your experience, what was the
12 reaction of people when they went to these
13 information sessions? Do you think they were
14 unbiased or do you think the bias had already
15 crept in?

16 A (DeWan) My impression from listening to many,
17 many hours of public comment was that most of
18 the people that attended them had already made
19 up their minds about the desirability of the
20 Project from their personal perspective.

21 Q And how about people that maybe were not so
22 personal? I'm thinking of legislators, towns,
23 NGOs?

24 A (DeWan) My recollection is that virtually

1 everybody that came to the microphone could
2 identify themselves as being a supporter or an
3 opponent.

4 Q And there were no supporters that said they had
5 any concerns about the visual impacts in your
6 experience?

7 A (DeWan) Were there any supporters that had any
8 concerns?

9 Q Yes.

10 A I don't recall that specific discussion. There
11 may have been.

12 Q Would you agree that we may have supporters and
13 opponents that have certain, you know, that have
14 certain features of this Project that they would
15 disagree with even though perhaps they supported
16 the Project as a whole? Would that be possible?

17 A (DeWan) Could you repeat that question again?

18 Q Okay. I'm wondering if you agree that it's not
19 quite so black and white; that if you're opposed
20 to the Project, you're opposed to everything?
21 If you support it, you support everything? Is
22 it possible there are shades of gray on both
23 sides? I'm wondering if you think there are
24 supporters that would object to structures, you

1 know, spoiling, in their opinion spoiling their
2 view?

3 A (DeWan) I think there's a possibility that some
4 people have different opinions. I don't want to
5 characterize, you know, the possibility of
6 somebody, what somebody's opinion might be.

7 Q Right. But you do realize, I mean you are quite
8 aware of the public opinion towards Northern
9 Pass at this point. So when you started your
10 getting into the Project, were you aware of the,
11 I guess I'd call controversial nature of this
12 Project in New Hampshire?

13 A (DeWan) I believe that same question was asked
14 to us the last time we were here.

15 Q Okay. Sorry.

16 A (DeWan) Yes. I don't know if you were there.

17 Q I guess I wasn't. I'm sorry.

18 A (DeWan) And I said that yes, we were quite aware
19 that this is a Project that had received a lot
20 of attention from the public.

21 Q Right. And when you come in to do a Project
22 that you know has a lot of concern, it's one of
23 these heightened issues in a state, how do you
24 integrate that into your assessments? Do you do

1 something differently?

2 A (DeWan) No, we don't. We try to come in with an
3 objective focus. We certainly pay attention to
4 what people are saying. You know, there's a
5 value of having the public be involved because
6 what it does is says to us, yes, this is an area
7 we need to pay attention to. And to the extent
8 possible, people can help the process by
9 identifying specific areas that they feel may be
10 affected by it. And by doing that, that allows
11 us to go out during our field evaluations to
12 visit those places that people think may have an
13 issue here.

14 And so by doing that, we're listening to
15 people, we're visiting those places, many places
16 doing photo simulations, and, invariably, in
17 Projects like this there is a certain amount of
18 information out there that may not be quite
19 accurate that people are basing their judgments,
20 their opinions, upon what they think might look
21 like or might happen. So in doing photo
22 simulations which are as accurate as we can make
23 them allows people to see from a specific
24 viewpoint the effect of the Project, the effect

1 of mitigation measures.

2 Q But you didn't talk to any people at these
3 sites? That was not part of your plan; is that
4 correct?

5 PRESIDING OFFICER HONIGBERG: Ms. Draper,
6 we already know the answer to that.

7 Q And the answer is no.

8 PRESIDING OFFICER HONIGBERG: That's
9 correct. Why don't you move on to something
10 new.

11 Q Who was your main contact for this Project from
12 the Applicant's side? Like who was your main
13 person you would be contacted by?

14 A (Kimball) Depended upon the subject area. If it
15 was a question about engineering, then it would
16 be one of the engineers.

17 Q How about the legal side? How about our
18 lawyers? Our friendly lawyers? Did you have a
19 contact? Was there someone that was your main
20 go-to person?

21 A (DeWan) There are a variety of different people
22 depending on the subject matter.

23 Q Okay. All right. Well, finally I have some
24 questions on aesthetics. And I'm looking --

1 PRESIDING OFFICER HONIGBERG: Ms. Draper,
2 that was an unfortunate thing for you to say. I
3 have to tell you.

4 MS. DRAPER: I'm sorry. What's that?

5 PRESIDING OFFICER HONIGBERG: This is the
6 Aesthetics Panel. Right?

7 MS. DRAPER: Yes.

8 PRESIDING OFFICER HONIGBERG: Every
9 question you are asking was supposed to be about
10 aesthetics. And, frankly, many of them were.
11 But this is the Aesthetics Panel. All of your
12 questions should be addressed to this Panel's
13 expertise. Okay?

14 MR. DRAPER: Fine. What I'm looking at to
15 me was just a transition away from one to
16 another. Excuse me for doing that.

17 BY MS. DRAPER:

18 Q All right. So in the last public comments
19 hearing on August 30th, were you here? I
20 believe you were. I believe I saw you.

21 A (DeWan) Two or three weeks ago?

22 Q Yes.

23 A (DeWan) Yes.

24 Q There was a former State Senator Jim Rubens who

1 spoke on aesthetics; do you remember that?

2 A (DeWan) There were a lot of speakers that night.

3 Q You didn't pick up -- okay. He was, he was
4 just, he had the characterization that the
5 legislature saw aesthetics as having equal
6 weight to the other aspects of this Project, the
7 SEC process. So I'm wondering if you would
8 agree with that, that aesthetics has equal
9 weight.

10 A (DeWan) When you say equal weight, equal weight
11 against what other considerations?

12 Q Well, what he had mentioned was that some people
13 will consider it a fluff. You know, that it's
14 not as important as, let's say, the amount of
15 megawatts produced or money in the future. I'm
16 just asking you if you agree that aesthetics has
17 a key role.

18 MR. NEEDLEMAN: Objection. Calls for a
19 legal conclusion.

20 PRESIDING OFFICER HONIGBERG: Yes.
21 Everything up until the very last thing you said
22 called for a legal conclusion. You can ask them
23 if they think aesthetics play a key role in all
24 of this. Nothing wrong with that question. And

1 if that's the question you want an answer to,
2 that's what we will have them answer. All the
3 other stuff was a problem.

4 MS. DRAPER: Okay.

5 A (DeWan) Most definitely.

6 Q Most definitely. Yes. What's your working
7 definition of aesthetics? And I'm thinking, I'm
8 thinking of when we saw your website put up by
9 Mr. Cote the other day. So I would imagine that
10 there's a philosophy that you have of what the
11 aesthetics take in.

12 A (DeWan) There's really no working definition in
13 the legislative, in the rules, I believe, but
14 aesthetics to us is our sense of beauty of the
15 landscape. It's a very broadly based term. I
16 could go on. But --

17 Q I guess. Thank you. I was looking for the
18 broadly based term.

19 A (DeWan) Yes.

20 Q That it's actually a branch of philosophy and
21 things like that.

22 A (DeWan) It is. Yes.

23 Q Does your profession incorporate that kind of
24 broad philosophy as a rule?

1 A (DeWan) As landscape architects, yes. It's sort
2 of a balance, you know, sort of a left
3 brain/right brain determination. You have
4 design on one hand and engineering on the other
5 hand.

6 Q And are you aware of the research being done now
7 in terms of the -- it's like the medical and
8 health benefits of nature and wilderness?

9 A (DeWan) Yes.

10 Q Does your profession bring these studies into,
11 say, any kind of professional development or
12 articles or things like that?

13 A (DeWan) Yes. I was involved in a study that
14 looked at the welfare aspect of the term health,
15 safety and welfare as sponsored by the Council
16 of Landscape Architects Registration Boards.

17 Q And were there any places or aspects of your
18 work with the Northern Pass Project where you
19 applied this sort of health benefits, mental
20 health benefits of nature, natural places?

21 A (DeWan) Everything that we look at, we look it
22 through the aesthetic lens. And as you know
23 from reading our Visual Impact Assessment, we
24 analyze the landscape in terms of its current

1 visual quality, and to the extent that that
2 represents the aesthetics of the area, that's
3 what this, that's what our work is all about.

4 Q So you agree that this kind of research is very
5 important to the SEC decision that will be made
6 on this?

7 A (DeWan) Aesthetics is certainly one
8 consideration. There's a whole set of rules
9 which have been adopted dealing with the subject
10 of aesthetics.

11 Q Right. I guess I was just wondering if you
12 would, you know, add that the mental health, the
13 physical health aspect of the aesthetics in the
14 role of this Project?

15 A (DeWan) As I said, it's a branch of philosophy
16 with broad implications.

17 Q How would you characterize the metal structures,
18 the lattice structures proposed? Would you call
19 them industrial or commercial, urban? What kind
20 of word would you give, descriptive word would
21 you give to them?

22 A (DeWan) I would say they're utilitarian.

23 Q I'm thinking of your photo simulation. I think
24 it was Big Dummer Pond. Or Little Dummer Pond.

1 Where the ridgeline had these utilitarian
2 structures going across the top, and would you
3 say that the utilitarian, those utilitarian
4 structures are in harmony with the environment
5 at Little Dummer Lake?

6 A (DeWan) I think we've drawn conclusions in our
7 description of Little Dummer and Big Dummer
8 Pond, and I'd have to go back and read our
9 observations to answer your question
10 specifically.

11 Q So I'm going to end with, I guess it's -- I can
12 do a hypothetical situation; is that right?

13 PRESIDING OFFICER HONIGBERG: Probably.

14 Q Probably. Okay. So and I'm looking at it from
15 the viewpoint of the mental health and health
16 benefits. So if I were someone with depression,
17 which isn't hard to imagine at this time in my
18 life, and I'm looking for green natural spaces,
19 right? For, to go and sort of a healing and
20 enjoyment kind of environment, how likely do you
21 think that I would go to Little Dummer Lake?

22 A (DeWan) Little Dummer Pond?

23 Q Pond. Excuse me.

24 A (DeWan) I don't want to characterize your

1 particular situation.

2 Q A person. A regular person.

3 A (DeWan) A person who is looking for a quiet
4 relaxing place, Little Dummer Pond would not be
5 high on my list, knowing that to get there, the
6 journey involves five miles of very rough,
7 rutted, bumpy roads passing for the most part
8 immediately adjacent to a transmission corridor
9 that's already there. Through an area that you
10 might describe as industrial forest land.
11 There's, you see a lot of forestry activity
12 throughout the road. So it's not the sort of
13 place that I would envision as say a quiet
14 oasis.

15 Q Um-hum. All right. Well, thank you very much.

16 PRESIDING OFFICER HONIGBERG: Mr. Stamp, do
17 you also have questions for this Panel?

18 MR. STAMP: I do, yes.

19 MR. NEEDLEMAN: Mr. Chair, has there been a
20 description of the various categories they're
21 each going to cover?

22 PRESIDING OFFICER HONIGBERG: Not to my
23 knowledge. Let's see where Mr. Stamp goes.

24 **CROSS-EXAMINATION**

1 **BY MR. STAMP:**

2 Q Good morning. Mr. DeWan. Ms. Kimball. I'm
3 over here.

4 A (DeWan) Yes.

5 Q Refresh my memory. You've already talked about
6 two sites, I believe, that you visited on the
7 Pemi. You're at Ayres Island Dam, and I believe
8 a crossover, New Hampton to Hill. In total was
9 it four sites that you and your team visited?

10 A (DeWan) Okay. On page 4-4 of our Visual Impact
11 Assessment, we describe the Pemigewasset River,
12 and we describe the four crossings where the
13 corridor crosses right now. To address your
14 question, we've looked at many, many more sites
15 along the river to get a sense of the overall
16 character and use patterns along the river.
17 Sahegenet Falls. And as Ms. Kimball said, we
18 also looked at a lot of the other areas on the
19 east side of the river. I can't give you an
20 exact number of the number of places that we
21 visited, but we did extensive work looking at
22 the Pemi.

23 Q Did it include the underground portion of the
24 Project or was it all aboveground?

1 A (DeWan) We have driven the underground portion
2 of the Project.

3 Q What sticks in my mind, there was four or five
4 site visits, but I could have that, I could have
5 that wrong.

6 While you were out, did you, by chance, run
7 across an outfitter with a group of people on
8 the river?

9 A (DeWan) Yes. We did. No, not on the Pemi. I'm
10 sorry. It was on the Androscoggin River.

11 Q Okay. Didn't run across anything on the Pemi.

12 A (DeWan) No. We did not.

13 Q Did you also visit any sites on the Merrimack
14 River?

15 A (DeWan) Yes. We did.

16 Q Several? Half a dozen? Ballpark number?

17 A (DeWan) Half a dozen perhaps.

18 Q I want to talk a little more about designation
19 of a river. And it would be interesting to
20 compare how New Hampshire did it in this case
21 with what you're familiar with in Maine, but the
22 process of becoming designated here is fairly
23 detailed. There has to be a nomination, you
24 have to go through a series of public meetings,

1 you have to convince the Commissioner of
2 Environmental Services that this makes a lot of
3 sense, and if you get through those hurdles,
4 ultimately it has to be approved by the General
5 Court of New Hampshire. Does Maine go through
6 that elaborate process in giving rivers any
7 special consideration?

8 MR. NEEDLEMAN: Objection. This topic was
9 just covered by Ms. Draper.

10 PRESIDING OFFICER HONIGBERG: Mr. Stamp,
11 how is what you're doing different from what Ms.
12 Draper just did with these witnesses?

13 MR. STAMP: It probably isn't.

14 PRESIDING OFFICER HONIGBERG: Is there
15 anything you want to do that's different from
16 what Ms. Draper just did?

17 MR. STAMP: I want to emphasize the fact
18 that a designated river, Pemi, includes an extra
19 1320 feet on both sides of the river as part of
20 the protected river corridor. Now, when you add
21 essentially a half a mile to the width of the
22 river over 70 miles, that's a fair amount of
23 territory.

24 BY MR. STAMP:

1 Q Now, my understanding from your testimony on
2 Wednesday, you were not aware of the extension
3 of boundaries on the river. Am I correct about
4 that?

5 A (DeWan) I believe we --

6 PRESIDING OFFICER HONIGBERG: Mr. Stamp,
7 you should be addressing the Committee right now
8 with an explanation of what it is that you're
9 going to do that you want to do that's different
10 from what Ms. Draper just did, and I believe
11 that this whole discussion about designation and
12 its terms was a topic that Ms. Draper covered.

13 Now, I'm going to say this to all the
14 groups. I acknowledge that we've gotten a
15 little lax in requiring the groups that want to
16 have multiple people ask questions specify what
17 areas they're going to cover, but that laxity is
18 done because we lapse into covering the same
19 topic or topics with different people from the
20 same groups, and that is not going to happen.
21 It's inefficient. We don't have the time or the
22 luxury of doing that.

23 Mr. Stamp, I'm turning back to you now.
24 Tell us, the Committee, what topics you want to

1 cover with this Panel that are different from
2 what Ms. Draper just covered.

3 Q My question was leading up to given the
4 additional area defined as river corridor, and,
5 apparently, you were not aware of that.

6 PRESIDING OFFICER HONIGBERG: No, no, no,
7 no. If you were allowed to ask a question, what
8 would it be?

9 MR. STAMP: The question would be with
10 preknowledge of the wider boundaries, would you
11 have approached your research on scenic areas
12 differently than you did.

13 PRESIDING OFFICER HONIGBERG: All right.
14 Mr. DeWan, do you understand the question?

15 A (DeWan) I think so.

16 PRESIDING OFFICER HONIGBERG: I'm going to
17 ask you to answer that question.

18 A (DeWan) I don't think that it would have. We
19 did review studies such as the Pemigewasset
20 River Report to the General Court in 1991. We
21 had that particular document reference a section
22 in scenic resources, scenic values, that talks
23 about very specific areas and the reason why
24 these areas were designated, and it talks about

1 the Flume, the Basins, other places which are
2 quite notable.

3 PRESIDING OFFICER HONIGBERG: Mr. Stamp, do
4 you have any other questions you would like to
5 ask?

6 MR. STAMP: Thank you. That finished my
7 questions.

8 PRESIDING OFFICER HONIGBERG: All right.
9 The Ashland to Deerfield Non-Abutters, is it
10 going to be Ms. Crane or Ms. Townsend? Ms.
11 Crane? Off the record.

12 (Discussion off the record)

13 PRESIDING OFFICER HONIGBERG: Ms. Crane,
14 you may proceed.

15 **CROSS-EXAMINATION**

16 **BY MS. CRANE:**

17 Q Good morning. I'm Charlotte Crane. I am an
18 intervenor as part of the Webster Family Group
19 of Intervenors that was combined with other
20 people, Non-Abutters between Ashland and
21 Deerfield.

22 Do I gather correctly, this is a yes or no
23 question, from your answers to questions of over
24 the course of last few days that your role is to

1 provide the information required as Visual
2 Impact Assessment on behalf of the Applicant?

3 A (DeWan) Yes.

4 Q And in doing that, you are not necessarily
5 providing all of the information that might be
6 relevant to the Site Evaluation Committee's
7 determination with respect to the visual impact
8 of the Project? Is that also correct?

9 A (DeWan) No.

10 Q So it's your position that there is nothing that
11 should not have been -- I'm sorry. Let me start
12 that again.

13 There is nothing that was not required by
14 the Site Evaluation Committee's rules to be
15 included in the Visual Impact Assessment that
16 might be relevant to the Committee's overall
17 determination with regard to the visual impact
18 of the Project?

19 A (DeWan) I think we've testified that we provided
20 you, provided the --

21 Q That was a yes or no question.

22 MR. NEEDLEMAN: Objection.

23 PRESIDING OFFICER HONIGBERG: I'm not even
24 sure I understood the question, and I'm not sure

1 if it was a yes or no question. Why don't you
2 try the question again, and we'll see if it's a
3 yes or no question.

4 BY MS. CRANE:

5 Q Is it your position that everything that was
6 relevant to the Committee's determination of the
7 visual impact of the Project was required to
8 have been included in the report you filed that
9 met the requirements of, to the extent that it
10 met the requirements of the committee's rules?

11 PRESIDING OFFICER HONIGBERG: That's not a
12 yes or no question. I don't even understand
13 that question.

14 Q Then let me back up.

15 PRESIDING OFFICER HONIGBERG: Try it in
16 three or four small bites because I think
17 there's three or four points you want to make
18 within that question, and you're trying to do
19 them all at once, and I think the answers may be
20 different.

21 BY MS. CRANE:

22 Q Would you agree that there is material regarding
23 the visual impact of the Project that would not
24 have been required to have been included in your

1 Visual Impact Assessment under the Committee's
2 rules?

3 A (DeWan) I'm sorry.

4 Q Can you read back the last version of my
5 question?

6 (Requested portion read back by reporter)

7 PRESIDING OFFICER HONIGBERG: Are you able
8 to answer that question?

9 A (DeWan) I don't think I'm able to answer that
10 question.

11 PRESIDING OFFICER HONIGBERG: Why not?

12 A (DeWan) There's too many what-ifs involved. We
13 provided the Committee with information that we
14 felt was required to make a determination under
15 the rules.

16 Q That was not my question. My question was does
17 what the rules require to be included in the
18 report encompass everything that might be
19 relevant to the Committee's ultimate
20 determination?

21 PRESIDING OFFICER HONIGBERG: That calls
22 for a legal conclusion.

23 Q Is it your opinion then that --

24 MR. NEEDLEMAN: Is what his opinion?

1 Q Everything that might be relevant to the
2 Committee's ultimate determination was required
3 to have been included in the report.

4 MR. NEEDLEMAN: I'll object. It calls for
5 a legal conclusion.

6 MS. CRANE: No. It does not. It requires
7 his opinion about that legal conclusion.

8 PRESIDING OFFICER HONIGBERG: You've just
9 argued yourself back into the legal conclusion
10 problem, but --

11 MS. CRANE: Then let me avoid the legal
12 conclusion.

13 BY MS. CRANE:

14 Q Should the Committee in your personal opinion
15 reject consideration of anything that wasn't
16 required to have been included in your report?

17 A (DeWan) I would like to think that everything
18 that we provided is going to be information that
19 the Committee will use in conjunction with
20 everything else that they've gathered through
21 reading interviews, site visitation in terms of
22 making their determination.

23 Q And there's nothing that you didn't provide them
24 that they might benefit from being aware of?

1 A (DeWan) I believe we've provided everything to
2 the Site Evaluation Committee that they've
3 requested and that we found is necessary to meet
4 the rules established for this particular topic.

5 Q Okay. I don't believe you answered my question,
6 but I'll move on.

7 PRESIDING OFFICER HONIGBERG: Mr. DeWan, do
8 you think there might be things beyond what you
9 provided that could be relevant to the
10 Committee's consideration of the aesthetics
11 issues?

12 A (DeWan) I don't believe so.

13 PRESIDING OFFICER HONIGBERG: I actually
14 think the way you answered the previous question
15 implied that you, well, maybe there was.
16 Because there were things that, I think you
17 referenced the Committee site visits, which you
18 wouldn't have included, would not be part of
19 your submission or other, or parts that would
20 be. So is it your view that the only things
21 that the Committee can look at in considering
22 aesthetics is what's in your report?

23 A (DeWan) Oh, no.

24 PRESIDING OFFICER HONIGBERG: So what other

1 types of things in your view might the Committee
2 be interested in looking at? Or are there other
3 sources of information, reports from others that
4 could be relevant?

5 A (DeWan) Sources of information would be all the
6 testimony from the public, for example.

7 PRESIDING OFFICER HONIGBERG: Ms. Crane,
8 was that helpful in clarifying what his view is?
9 I hope so. I was trying to be helpful.

10 MS. CRANE: Thank you. I believe it was.

11 BY MS. CRANE:

12 Q Are you aware of any locations where for the
13 aboveground portions of the Project the
14 Project's proposed lines, towers and clearings
15 will have less visual impact, whether that
16 impact is positive or negative, than the
17 existing structures and clearings?

18 A (DeWan) We have not done a evaluation to address
19 that specific question. I'd have to go back and
20 study it. I'm not aware of any places.

21 Q You are not aware of any places where the impact
22 will be less?

23 A (DeWan) It's possible, I suppose.

24 Q Okay. And if we assume that the typical viewer

1 has a negative reaction, that's an assumption
2 that I hope you'll let me make for the purposes
3 of the question, to an increased view of
4 transmission structure lines and clearcut
5 easements, are there any locations where the
6 visual impact of the proposed Project will be
7 favorable to such a viewer?

8 A (DeWan) There may be some locations where the
9 additional clearing may open up a view that
10 wasn't there before, and people may find that to
11 be favorable.

12 Q Okay. So getting to your overall methodology,
13 and I'll try to move through these questions
14 quickly because pieces of them I know have been
15 covered already.

16 Do I understand your strategy in preparing
17 your Visual Impact Assessment be to identify the
18 area of potential effect and then identify the
19 scenic resources within that area?

20 A (DeWan) That's correct.

21 Q So looking at the slide now, this is the area
22 that I am going to be focused on most. The area
23 that includes Sahegenet Falls in the town of
24 Bridgewater. And next slide? This is the, an

1 expanded view. Could you tell me what the
2 orange signifies?

3 A (Kimball) In this particular map, the orange
4 represents, according to the visibility analysis
5 done by the computer, the orange represents
6 areas with existing visibility of existing
7 structures in the Project corridor. And the
8 purple represents the expansion of visibility so
9 the areas where today there is currently no
10 visibility but with the Project will potentially
11 have visibility.

12 Q And I'm sorry that it's a little bit hard to
13 read, but can you make out the road that says
14 Cass Road, roughly in the middle of the slide?

15 A (Kimball) Yes.

16 Q Do you see any areas of visibility indicated on
17 this map that are north, that is, to the left of
18 Cass Road?

19 A (Kimball) I believe the answer is no.

20 Q Not higher elevations, sorry. So to below River
21 Road and to the left of Cass Road, are there any
22 areas of visibility there?

23 A (Kimball) It doesn't appear to be.

24 Q Okay.

1 MR. IACOPINO: Professor, before your next
2 question, will you just please read into the
3 record where this exhibit is from? I know you
4 showed it on the exhibit itself, but that's not
5 going to make it into the record.

6 MS. CRANE: Thank you. I need to go back.
7 I don't have it on my notes. So this is page
8 A-41 of Applicant's Exhibit 1, Appendix 17, part
9 of the originally submitted materials with the
10 Application.

11 BY MS. CRANE:

12 Q Then back to this slide. So can you tell me a
13 little bit, because I never quite understood
14 this, how these areas were determined? These
15 areas of potential effect, visual effect?

16 A (Kimball) Sure. So in this particular area, it
17 was based on data that we received through a
18 company known as Intermap. In that data there
19 are two data sets. The digital terrain model
20 which represents the ground plane and the --

21 Q Excuse me. I'm sorry. You can continue.

22 A (Kimball) And a digital surface model which
23 represents those features that are above the
24 ground. So buildings, trees, whatever the

1 vertical strata might be. And what we asked the
2 computer to do is identify based on that data
3 set where each structure top, the very top of
4 each structure might be visible in the
5 landscape.

6 Q So there's the terrain layer of data and
7 superimposed upon it there is the --

8 A (Kimball) The surface model.

9 Q The surface model.

10 A (DeWan) By that we mean the tops of the trees
11 and tops of buildings.

12 Q How is this data that you essentially imported
13 acquired by the organization that you have
14 acquired it from?

15 A (Kimball) I believe we purchased a license to
16 use the data.

17 Q I'm sorry. How was the data acquired by them?

18 A (Kimball) Through very, a variety of data
19 sources. I believe it's LIDAR data that's
20 collected through flyovers at various points.

21 Q Have you ever had reason to check this data
22 yourselves?

23 A (Kimball) We don't have, we have to rely on,
24 this data was what we chose to rely on. We

1 haven't gone out to field-check parts of the
2 data.

3 Q So you just accept what this data tells you?

4 A (Kimball) Yes.

5 Q Okay. Now, is this the same data that's used
6 for the height of vegetation?

7 A (Kimball) Yes.

8 Q And how fine a unit does the data include?

9 A (Kimball) I believe the way that it breaks down
10 the landscape is into individual rosters that
11 are five meters squared.

12 Q Five meters squared.

13 A (DeWan) Right. So what the computer does though
14 when it takes the radar data that is collected
15 by the airplane passing over it, it averages the
16 heights of the trees or the buildings within
17 that area that she just described.

18 Q And it can't tell the difference between a tree
19 and a house? Is that what you're telling me?

20 A (Kimball) That's right. It breaks the landscape
21 down into roster image that is based on a five
22 meter square.

23 Q So each five meters is measured and the average
24 of what was in that five meters squared is what

1 the map --

2 A (DeWan) That's correct.

3 Q -- thinks is there?

4 A (DeWan) Yes.

5 Q All right. And do you know when the data that
6 you purchased was collected?

7 A (Kimball) I don't. I believe it was over a
8 series of flights. So that this data --

9 Q Which occurred approximately when?

10 A (Kimball) I don't have that number in front of
11 me. I would have to check.

12 Q Is it more likely to be five years?

13 A (Kimball) From this point?

14 Q Yes.

15 A (Kimball) It was likely at least five years ago.

16 Q I'm sorry. I believe that the answer to this
17 question was provided in a Technical Session.

18 A (Kimball) That sounds familiar. I don't know if
19 it was in a Technical Session or a Data Request,
20 but --

21 Q I'm stymied. I admit. Can you check your
22 notes?

23 A (Kimball) During a break I might be able to get
24 that information. I don't have it just in front

1 of me at this point.

2 Q Okay. Then better move on.

3 A (Kimball) Okay.

4 Q And next slide. And what does this slide
5 represent? It is --

6 A (Kimball) So this is --

7 Q I'm sorry. Let me identify it first.

8 I believe that it is part of the last two
9 or three pages of the Supplemental Report that
10 you prepared, and that was labeled Applicant's
11 Exhibit 93.

12 A (Kimball) What's the question?

13 Q What does this represent?

14 A (Kimball) This is the visibility analysis using
15 only the terrain data.

16 Q Using only the terrain data.

17 A (DeWan) This is what we call the bare-earth
18 viewshed analysis.

19 Q Okay. The bare-earth viewshed analysis. And
20 the area between where it says New Hampton and
21 Ashland, just below that, is totally dark
22 purple; is it not?

23 A (DeWan) That's correct.

24 Q And what would that represent?

1 A (DeWan) That represents where structures may be
2 visible if there is no vegetation and no
3 buildings blocking the view.

4 Q So if there was no vegetation, no buildings
5 blocking the view, the Project structures and
6 right-of-way would be visible. Or to the extent
7 the structures are -- the structures or the
8 right-of-way or both?

9 A (Kimball) It's always the very top of the
10 structure.

11 Q It's always the very top of the structure.
12 Okay. Thank you for clarifying that.

13 Did you use any, do any of the other
14 documents that you have provided to the
15 Committee itself include any bare-earth
16 analysis?

17 A (Kimball) The only bare-earth analysis that was
18 provided was the analysis itself or the results
19 of the analysis as depicted in the maps.

20 Q By analysis, you mean only this first stage of
21 identifying the area of potential effect.

22 A (Kimball) By analysis, I mean the computer
23 visibility analysis that was the process run to
24 produce the map that we're looking at.

1 Q Okay. And there's no reference to any kind of
2 bare-earth analysis other than maps like this
3 one?

4 A (Kimball) I believe that's correct.

5 Q Okay. Thank you. Next?

6 PRESIDING OFFICER HONIGBERG: Ms. Crane, we
7 need to find a break some time in the next 5
8 minutes or so.

9 MS. CRANE: I'll be finished this piece of
10 my methodology questions in just a few slides, I
11 think.

12 So can I ask you, this is page 7 of your
13 Supplemental Testimony labeled Applicant's
14 Exhibit 92. Bates stamped 53723. Correct? And
15 could you read the sentence that starts with
16 however?

17 A (DeWan) "However, the usefulness of a bare-earth
18 analysis for linear projects such as Northern
19 Pass where the Applicant does not own the land
20 abutting the corridor or the Project traverses
21 part of the state that are expected to remain
22 forested is limited to only these areas where
23 tree clearing is known to occur."

24 Q Next slide. Are you familiar with this symbol?

1 A (DeWan) Yes.

2 Q What is this symbol?

3 A (DeWan) That means the person that displays the
4 symbol is a member of the American Tree Farm
5 System.

6 Q And do you know what it means to be a member of
7 the American Tree Farm System?

8 A (DeWan) Not specifically.

9 Q Next slide. Can you read the text immediately
10 below the picture of a similar but not quite
11 identical symbol?

12 A (DeWan) Starting with the words "our diamond"?

13 Q No. I'm sorry. Starting with the word
14 "please"?

15 A (DeWan) "Please be sure that you own a certified
16 tree farm before ordering."

17 Q Yes. And do you know what it means to own a
18 certified tree farm?

19 A (DeWan) I would assume that the participating
20 land has been certified by a certifying
21 organization. American Tree Farm System.

22 Q Certified to do what?

23 A (DeWan) I assume to practice forestry.

24 Q To farm trees. Yes? Would you understand that

1 to mean to cut trees?

2 A (DeWan) Well, to, that would be part of the
3 process of forestry.

4 Q Thank you. Next slide. Can you read the
5 sentence that begins "while"?

6 A (DeWan) Would you point out, please?

7 Q It's at the end of the middle line there.

8 A (DeWan) I found it. "While a certain amount of
9 harvesting activity is to be expected in the
10 vicinity of the Project, the majority will be on
11 private property with little to regulation at
12 least as far as the Visual Impact Assessment is
13 concerned. To consider wholesale loss of tree
14 cover in an evaluation of the potential visual
15 impacts would be analogous to looking at land
16 forms that now block views of the Project that
17 could be the subject of mountain mining in the
18 future thus opening up areas of greater
19 visibility."

20 Q Opening up areas of greater visibility; is that
21 a good thing or a bad thing?

22 A (DeWan) Depends. If you're looking to open up a
23 view towards a scenic vista it would be a very
24 good thing.

1 Q And if you weren't, it would be a bad thing,
2 right?

3 A (DeWan) That depends.

4 Q Okay. That's the answer I expected. Thank you.

5 What do you mean when you say, "the
6 majority of any foresting will be on private
7 property and subject to little or no
8 regulation"?

9 A (DeWan) The majority of the harvesting activity
10 that's to be expected within ten miles of the
11 Project will primarily be on land that's owned
12 by private individuals.

13 Q And do you recall why you made reference to
14 regulation here?

15 A (DeWan) Where I say the majority will be with
16 little or no regulation?

17 Q Yes.

18 A (DeWan) As far as the Visual Impact Assessment
19 is concerned.

20 Q So a private landowner is not subject to any
21 regulation that would limit his or her effect on
22 visual impact. Is that what you meant?

23 A (DeWan) I believe so.

24 Q Okay. So can I restate that conclusion then.

1 A private landowner is free to cut his or her
2 trees without regard to visual impact.

3 A (DeWan) I'm not familiar with the laws in the
4 state of New Hampshire. I know that in Maine
5 there are very strict restrictions in many
6 places on the amount of clearcutting, for
7 example, that can be done, the use of buffer
8 zones along sensitive resources like streams and
9 wetlands, and I would assume that the same sort
10 of thing would apply here.

11 Q So now I'm confused about what you meant by
12 little or no regulation. But let's move on.
13 Yes. This would be a good place to break.
14 Thank you.

15 PRESIDING OFFICER HONIGBERG: We're going
16 to take a break. This one is going to be
17 probably about 20 minutes because the
18 Subcommittee has to have a short conference with
19 its counsel which under RSA 91-A is a
20 nonmeeting. No other notice needs to be
21 required of it. But I'm telling you that's why
22 this break is going to and little longer than
23 otherwise. Thanks.

24 (Recess taken 10:41 - 11:06 a.m.)

1 PRESIDING OFFICER HONIGBERG: Ms. Crane,
2 you may continue?

3 MS. CRANE: Thank you.

4 BY MS. CRANE:

5 Q Ms. Kimball, did you get a chance to check on
6 the date of that data?

7 A (Kimball) Yes. And the answer is that the data
8 is collected over a series of flyovers at
9 various points so there is not a single date
10 that the data was collected.

11 Q Ending in any date that you were aware, able to?

12 A (Kimball) The neighborhood of 2007-2008 is as
13 far back as we would assume the data would be
14 collected.

15 Q As far back? Do you recall in a Technical
16 Session the significance of a date that was more
17 like 2001?

18 A (Kimball) I believe what you're referring to is
19 the New Hampshire Land Cover Data.

20 Q Okay. And what is the difference between the
21 New Hampshire Land Cover Data and the data that
22 you have described so far?

23 A (Kimball) Sure. The data provided from Intermap
24 was provided to us in panels, and those panels

1 were pieced together down the line. They extend
2 out generally one and a half to 2.7 miles from
3 the line. That's where the Intermap data ends.

4 Beyond the Intermap data, we were required
5 to come up with a different way to represent the
6 landscape. Because we didn't have the better
7 data, we relied on national elevation data as
8 the terrain model, and we relied on the New
9 Hampshire Land Cover Data as a representation of
10 what the digital surface model would look like.

11 Q I'm distracting myself with wanting to ask you
12 about what data was used for within a mile and a
13 half.

14 A (Kimball) The Intermap data was used within --
15 the area that you had shown on the screen when
16 we were focusing on it, that area was entirely
17 encompassed by the Intermap data that I
18 described to you.

19 Q And that is dates no later than 2007, you think?

20 A (Kimball) Well, I don't know about "no later,"
21 but looking back at the material, 2007-2008 is
22 the time that I believe the data was collected,
23 and --

24 Q Okay. Remind me again about what that, the

1 unit?

2 A (Kimball) The unit is a five-meter by five-meter
3 unit.

4 Q Five meter.

5 A (Kimball) Correct.

6 Q Little bit more than 15 feet.

7 A (Kimball) That's correct.

8 Q A little bit more than 15 feet is your order of
9 magnitude or resolution or whatever?

10 A (Kimball) Exactly. That's the resolution.

11 Q Is there a word I should be using for that?

12 A (Kimball) Resolution is a good word actually.

13 Q Okay. Thank you. Okay. Back to where the
14 slides left off, could you read the sentence
15 beginning with "since," and this is page 9?

16 A (DeWan) "Since a large portion of the land area
17 shows potential visibility, the bare-earth
18 viewshed model has limited value as a tool to
19 narrow down scenic resources that likely have
20 visibility. If we were to rely upon this tool,
21 nearly all scenic resources within three miles
22 of the Project and a large portion beyond three
23 miles would show up as having potential
24 visibility. We know from field investigations

1 throughout the study area that this will not be
2 the case."

3 Q And why will it not be the case?

4 A (DeWan) Primarily because the -- for several
5 reasons. First of all, the presence of existing
6 vegetation, the presence of buildings, houses,
7 farms, barns and so forth and beyond a certain
8 point as we've talked about earlier, the
9 likelihood of being able to make out individual
10 structures is greatly diminished beyond a
11 certain distance.

12 Q What would that distance be?

13 A That will depend upon many factors such as the
14 type of structure, atmospheric conditions,
15 intervening vegetation and so forth.

16 Q Okay. Thank you. And although I might have to
17 agree with you that when everything is purple
18 you can't figure out which purples you care
19 about, but if you know which purples you care
20 about, the purples being the areas of visibility
21 designated on your bare-earth visual analysis,
22 if you know what purples you care about, why
23 wouldn't you use them to find out what the
24 possible impact for those particular locations

1 would be?

2 A (Kimball) I don't understand how you would
3 define "what purples you care about."

4 Q Okay. Let me be less familiar here.

5 The purple areas on your visibility
6 analysis maps indicate where in bare-earth
7 conditions you would have potential visibility
8 of the towers, correct?

9 A (Kimball) If you are running a bare-earth
10 visibility analysis, the purple area represents
11 locations of potential visibility.

12 A (DeWan) Within ten miles.

13 A (Kimball) Right. Ten miles out.

14 Q And I understand that that's not particularly
15 useful in identifying areas of potential
16 visibility, but suppose you know a particular
17 location and that its visual impact is going to
18 be important, why wouldn't you use the
19 bare-earth data to determine what the impact at
20 that location might be?

21 A (DeWan) We're trying to determine what the
22 potential visual impact would be at this point
23 in time under current conditions, and so by
24 using what we're calling the vegetative viewshed

1 map which identifies areas where there's some
2 potential for visibility, we use that as a
3 starting point to determine whether or not there
4 would be an effect on that particular scenic
5 resource. So as we've said before, the maps are
6 not the endpoint. That's a tool to use in
7 making our evaluation.

8 Q In making your evaluation, as I have heard you,
9 of which locations to investigate further,
10 correct?

11 A (DeWan) That's correct.

12 Q And my question, again, is I understand that the
13 extent to which it would not be not particularly
14 useful when what you're trying to do is identify
15 locations, but if you were trying to assess
16 impact at a location that you already could
17 identify, already had identified, why wouldn't
18 bare-earth analysis be useful?

19 A (DeWan) Well, the bare-earth viewshed analysis
20 says that any particular point it will show
21 where there may be the potential to see a
22 structure or many structures at a distance of
23 ten miles from that particular viewpoint.
24 That's really what it tells you.

1 Q And why don't you do that analysis for the
2 locations that you do determine are worth
3 exploring further?

4 A (Kimball) I think a good answer to that would be
5 to go to the rules directly that explain the
6 visibility analysis requirement.

7 Q They explain the visibility analysis
8 requirement, but they don't tell you not to do
9 bare-earth analysis once you're trying to
10 determine the impact at any particular location,
11 do they?

12 A (Kimball) The rules instruct to do a
13 computer-based visibility analysis to do an
14 identification of scenic resources within the
15 area of potential visual impact from which the
16 proposed facility would be visible.

17 So when we think of "would be visible,"
18 we're looking at the landscape as it exists with
19 all of those vegetative features and building in
20 the landscape.

21 Q So let me ask my question again. The rules that
22 you just read require that bare-earth analysis
23 be used at one stage in your overall assessment.

24 A (Kimball) That is incorrect.

1 Q I'm sorry. Correct me then.

2 A (Kimball) If you look to 301.5 (b)(4) that
3 describes how to conduct a computer-based
4 visibility analysis, there's no discussion in
5 that description about bare-earth. It describes
6 the radius that we need to use which is ten
7 miles, but it doesn't specify bare-earth.

8 Q Thank you. Once you have identified a location,
9 the rules neither require nor prevent you from
10 using your bare-earth data to analyze the impact
11 from that already identified location. Do they?

12 A (Kimball) The rules ask us to identify scenic
13 resources from which the proposed facility would
14 be visible, and the bare-earth viewshed analysis
15 does not represent that.

16 Q And so we can't take into account the fact that
17 there might be changes that would lead to a
18 condition closer to bare-earth than is
19 represented by the data you do use, and that
20 data is at least ten years old?

21 A (DeWan) The way that we do Visual Impact
22 Assessment is make an assumption that landscape
23 is what it is right now which is made up of many
24 different features and factors, landforms,

1 vegetation, buildings and so forth, and use that
2 as a determination to determine what the effect
3 would be by the construction or insertion of any
4 new development on the landscape.

5 Q So only existing conditions are to be taken into
6 account?

7 A (DeWan) That's how we interpret the rules and
8 that's our practice.

9 Q Even when your data is ten years old?

10 A (Kimball) The data that we're working with is
11 the best available data to us.

12 A (DeWan) Keep in mind that things do change.

13 Q Unless you were to say, well, if something
14 happened that made bare-earth a more accurate
15 assessment, then 10-year-old Land Cover Data.

16 A (Kimball) It's not Land Cover Data that we're
17 using. It's a digital model that I described.

18 Q I'm sorry. The data that you do use to take
19 into account when vegetation and structures will
20 obstruct views, correct?

21 A (DeWan) That's one of the reasons we use the
22 visibility maps as a starting point, and from
23 there then we go out into the field. The
24 viewshed map says we're going to see something,

1 we always take that with a grain of salt.
2 Likewise, if it's says we're not going to see
3 something, we'll also take that into
4 consideration. So when we drive around we
5 already know where our computer says there's a
6 possibility of seeing the structures at some
7 point.

8 Q Okay. Let's move on for now. Next slide.

9 So this is a M-2 of Applicant's Exhibit 1,
10 Appendix 17, dealing with your methodology. Can
11 you read the blown-up section that begins with
12 the word "inventory"?

13 A (DeWan) It's a little fuzzy on my screen, but
14 I'll try.

15 "Inventory of scenic resources. A listing
16 of recognized scenic resources within the APE
17 and a description of the landscape
18 characteristics of those resources where the
19 proposed Project may be visible."

20 Q And it's less fuzzy but smaller. Can you read
21 the Site Rule? 301.05?

22 A "301.05, Effects on Aesthetics. 5, an
23 identification of all scenic resources within
24 the area of potential visual impact and a

1 description of those scenic resources from which
2 the proposed facility would be visible."

3 Q And can you tell me the significance of your
4 having added the word "recognized" in your
5 summary there?

6 A (DeWan) Keep in mind that when we wrote this, it
7 was before the current SEC rules have been
8 adopted.

9 Q And so what was the significance of the change
10 as it affects your language?

11 A (DeWan) Well, it wasn't a change because this
12 was written before the SEC rules were in effect.
13 So our language predated the rules.

14 Q Okay. Your language predated the rules.

15 A (DeWan) Yes.

16 Q So "recognized" should be taken out?

17 A (DeWan) No.

18 Q No. Then could you tell me what the basis for
19 your listing only recognized scenic resources is
20 or give me some indication of what recognized
21 was intended to mean in this sentence?

22 A (DeWan) Recognized, as we've described it, means
23 that the resources that are present in the
24 landscape have been recognized at either a

1 local, state, regional, federal level. We also
2 recognize that there are other resources that
3 may not be on these lists. That was one of the
4 reasons that we went out to do our field
5 analyses.

6 Q So you include more than recognized then in the
7 locations you analyzed.

8 A (Kimball) I think another way of looking at the
9 word "recognized" is looking to the rules
10 102.45, the definition of scenic resources. So
11 a scenic resource would be a location described
12 in that definition.

13 Q But some of those definitions don't require that
14 a location be on anybody's particular list, do
15 they?

16 A (Kimball) This doesn't, I don't think this says
17 anything about a list.

18 Q Okay. Then let me go on to, I guess -- the next
19 slide would be fine.

20 Could you read, this is page M-8 from the
21 same document. Applicant's Exhibit 1, Appendix
22 17.

23 Could you read the language that is blown
24 up and numbered 5.2.1?

1 A (DeWan) "Cultural value. Cultural value is the
2 value that has been placed on a particular
3 resource by a public agency or nongovernmental
4 organization and indicated by formal designation
5 inclusion in current planning documents or
6 similar sources of information. Scenic
7 resources are classified as having high, medium
8 or low cultural value."

9 Q Thank you. And what kinds of formal
10 designations do you look for?

11 A (DeWan) Formal designations include things like
12 designations as National Parks or Scenic Byways.

13 Q And Scenic Byways. Where do you look for
14 designation as a Scenic Byway?

15 A (DeWan) In several locations. Usually in the
16 New Hampshire Department of Transportation's
17 website. Tourism information. Information of
18 that type.

19 Q And what is your understanding about how a byway
20 gets listed as a Scenic Byway?

21 A (DeWan) I don't know how the process evolves. I
22 know that there are many Scenic Byways that are
23 recognized and mapped right now, and many of
24 them have Corridor Management Plans.

1 Q Do you think it's a complete list for the State
2 of New Hampshire when you go ask the State of
3 New Hampshire for its list?

4 A (DeWan) I would hope so.

5 Q I believe at some point in the last couple of
6 days you indicated that there is a motivation to
7 have a route designated a Scenic Byway. Do you
8 remember what you might have said?

9 A (DeWan) I don't recall what context that may
10 have been brought up.

11 Q Well, if my recollection is correct, it had
12 something to do with someone wanting to promote
13 the views or the area being served by the route
14 to attract more people to the scenic resource.
15 Does that sound accurate?

16 A (DeWan) Not necessarily. I know I've done
17 Corridor Management Plans in the state of Maine
18 for Scenic Byways, and there's many reasons why
19 communities want their byways designated, not
20 the least of which is economic development
21 because it is a way to attract more tourism to
22 the area. There's also state funding programs
23 which a designation may make a particular route
24 eligible for. There's a certain amount of --

1 Q So attracting more tourists would be a reason
2 for seeking a scenic designation?

3 A That may be one of many, many reasons why a
4 community or group of communities may want that
5 particular designation.

6 Q And if you don't want to attract tourists, is it
7 possible that you don't want to be designated?

8 A (DeWan) I don't know the answer to that
9 question.

10 Q If a town suspects that any particular route is
11 already under pressure from too much traffic and
12 knows that more traffic is going to mean that it
13 has to spend more to maintain the road, it has
14 an incentive not to designate and indeed to
15 resist designation; does it not?

16 A (DeWan) I suppose that's possible. I know
17 there's been a lot of discussion recently about
18 de-designating certain sections of Scenic
19 Byways, but usually the motivation is one of
20 clarity. And in some places, for example,
21 multiple routes, same route may have multiple
22 designations. In some places I know the
23 Corridor Management Plans have identified places
24 where tourists may be confused because of the

1 great number of Scenic Byways. It's a fairly
2 complicated process, as I understand it.

3 Q Mr. DeWan, do you fish?

4 A (DeWan) I have been known to wet a fly.

5 Q When was the last time you overheard someone
6 telling someone else where their best fishing
7 place was?

8 A (DeWan) They don't. That's secret.

9 Q They don't. And why don't they?

10 A (DeWan) That's very personal.

11 Q And what might happen if they told one other
12 person?

13 A (DeWan) They'd probably put it on Facebook.

14 Q And then what would happen?

15 A (DeWan) It would get a million hits.

16 Q And then what would happen?

17 A (DeWan) Probably not much more.

18 Q And not much more fishing at that spot; am I
19 correct in leading you to that conclusion?

20 A (DeWan) I don't even want to go there.

21 Q I need an answer. I'm sorry.

22 PRESIDING OFFICER HONIGBERG: Really?

23 MS. CRANE: Yes. Really.

24 PRESIDING OFFICER HONIGBERG: Why?

1 MS. CRANE: Because the River Road in
2 Bridgewater is not a Scenic Byway. I'll get
3 there.

4 PRESIDING OFFICER HONIGBERG: Do you think
5 fishing would continue at sites that become
6 public?

7 A (DeWan) Hard to say. I would suspect that
8 fishing probably would continue.

9 MS. CRANE: If someone found out really
10 where that deep spot is?

11 PRESIDING OFFICER HONIGBERG: Yeah, because
12 that's where the fish are.

13 MS. CRANE: Where they were until somebody
14 fished them out yesterday.

15 A (DeWan) Fish tend to migrate. We're not
16 talking about fishing here. We're talking about
17 aesthetics.

18 Q I need an answer to my question.

19 A (DeWan) Could you restate the question, please?

20 Q I'll regroup and rephrase the question.

21 What happens to a very good place to fish
22 when everyone knows about it? A particular
23 location, a particular, you know, 50-foot square
24 place on a lake with lots of depth variation?

1 MR. NEEDLEMAN: Objection. Relevance. I
2 don't see how this has anything in do with the
3 work these experts have done.

4 PRESIDING OFFICER HONIGBERG: Ms. Crane,
5 why is that relevant?

6 MS. CRANE: Because I want to demonstrate
7 that there is such a thing as overuse of
8 recreational resources.

9 PRESIDING OFFICER HONIGBERG: These are
10 aesthetic experts.

11 MS. CRANE: Overuse of any recreation is
12 where I'm going. I will withdraw if you think
13 that fishing is not comparable to traffic on
14 Scenic Byways.

15 PRESIDING OFFICER HONIGBERG: Okay. We'll
16 consider the question withdrawn.

17 MS. CRANE: I'm sorry. Can I have a
18 clarification? Does it stay in the record?

19 PRESIDING OFFICER HONIGBERG: Yes, it will
20 remain on the record.

21 MS. CRANE: Thank you.

22 BY MS. CRANE:

23 Q Moving on then. So it is possible that
24 state-provided lists of Scenic Byways are

1 incomplete.

2 A (DeWan) I wouldn't characterize them as
3 incomplete. I would like to think that the
4 state map, and I believe we saw a state map
5 yesterday that appeared to be complete from what
6 we know about this Scenic Byways program.

7 Q I'm sorry. It has every byway, it is complete
8 in the sense that it has every byway that
9 someone wanted to have designated. Is it
10 complete in the sense of having every byway that
11 might be appropriately designated?

12 A (DeWan) The map that we saw yesterday on the
13 screen, I believe, or Wednesday, rather, was a
14 map depicting all the currently designated New
15 Hampshire Scenic Byways.

16 Q It had all of the byways that were currently
17 designated.

18 A (DeWan) That's my understanding, yes.

19 Q And did you in preparing your assessment have an
20 occasion to look at designations involving
21 historic significance? Or someone else's
22 conclusions who did look at those designations?

23 A (DeWan) Are you talking about relative to Scenic
24 Byways?

1 Q No. I'm moving on to historic significance.

2 A (DeWan) Okay. Perhaps you could frame the
3 question again, please.

4 Q Did you have occasion to look at lists of
5 designated locations designated as having
6 historic significance or at other's conclusions
7 regarding historic significance?

8 MR. NEEDLEMAN: Objection. Asked and
9 answered. This has been covered multiple times.

10 Q Then the answer is easy. Yes? The answer is
11 yes?

12 A (Kimball) Yes.

13 Q Thank you. Do you know how these lists are
14 generated in New Hampshire?

15 MR. NEEDLEMAN: Same objection.

16 PRESIDING OFFICER HONIGBERG: This is an
17 unnecessary setup if you know the answer and
18 they know the answer and we've already heard the
19 answer.

20 A (DeWan) Our answer is yes.

21 Q Thank you. And again, is it ever possible that
22 someone has an incentive not to have a property
23 or a location designated?

24 A (DeWan) I don't know the answer to that. I

1 can't, I can't speak to someone's incentive or
2 disincentive regarding designation of a historic
3 property. That's not our area of expertise.

4 Q Okay. Let's move on then.

5 This is page M-9 from the same Applicant
6 exhibits, Exhibit 1, Appendix 17. Continuing
7 with your methodology, can you just read the --
8 I'm sorry. Don't go there yet. Let's get
9 ourselves oriented first.

10 Just read the heading on the top of the
11 chart.

12 A (DeWan) Visual Quality Evaluation Chart.

13 Q And how is this used?

14 A (DeWan) This is a chart that was used to
15 determine the visual quality of the resources
16 that we looked at.

17 Q Okay, and it includes numbers that are assigned
18 based on certain characteristics; is that
19 correct?

20 A (DeWan) That's correct.

21 Q And I believe that we saw some of the
22 tabulations of these numbers in the course of
23 the last few days, but the entire set of
24 tabulations was not provided to the Committee

1 yet in the record; is that correct?

2 A (Kimball) I believe the tabulations were
3 provided in discovery.

4 Q They were provided in discovery, but they are
5 not yet a complete part of the record unless a
6 particular tabulation was made an exhibit by a
7 party other than the Applicant. Is that
8 correct?

9 A (Kimball) The qualitative results from the
10 tabulation are present in the Application.

11 Q The summaries from the tabulations. Not the
12 scores themselves.

13 A (Kimball) The high, medium or low classification
14 is provided.

15 Q Okay. And not the 5's and 3's and whatever that
16 are shown on this chart?

17 A (Kimball) Correct.

18 Q So can you explain to me why you would have
19 these numbers and not provide more information
20 about how they were used?

21 A (DeWan) This is a way to evaluate visual
22 quality, as I mentioned. This is based upon a
23 format developed by the Bureau of Land
24 Management, a federal agency, that was adapted

1 from the BLM chart to be more specific to the
2 state of New Hampshire. And we felt it was a
3 very good way to go out, look at the landscape,
4 and then to provide a rating system that
5 provided the Committee with a sense of the
6 visual quality of the landscape as either high,
7 medium or low.

8 Q Okay. And you've more than answered my question
9 if what I had asked was where the use of this,
10 the history of the use of this kind of table,
11 but my question was can you explain to me why it
12 wasn't thought useful to make the tabulations
13 themselves available to the Committee?

14 A (Kimball) There's nothing in the rules that
15 required us to tabulate scenic quality this way
16 and provide it to the Committee.

17 Q But there's nothing that prevented you either,
18 is there?

19 A (Kimball) There's nothing that prevented us but
20 301.5(b)(6) discusses scenic resources in the
21 sense of providing a classification of high,
22 medium or low.

23 Q I understand that.

24 A (Kimball) Okay.

1 Q It requires high, medium and low. It doesn't
2 require you to show your work and how you get
3 there, but it doesn't prevent you from showing
4 your work either; is that correct?

5 A (DeWan) That's correct.

6 Q Okay. Next. So this, these are the cells in
7 the lower left of this table, and could you read
8 the cell that begins Positive Human Development
9 and the cell immediately to the right of it?

10 A (DeWan) "Positive Human Development. To obtain
11 a 5, human development significantly adds to the
12 visual quality and interest of the area. 3,
13 modifications are above average -- "

14 Q I'm sorry. I only asked for the one cell.

15 A (DeWan) I thought you said one immediately to
16 the right of that.

17 Q No. I'm sorry. I'm not going to quarrel.
18 You've read the cell I wanted.

19 And so there is 5 points here for a scenic
20 resource that's being assessed if there is
21 evidence of human development; is that correct?

22 A (DeWan) That's the way this table is used, yes.

23 Q And if a scenic resource shows no evidence of
24 human development, these five points are not

1 available to that resource; is that correct?

2 A (DeWan) That's correct.

3 Q Is that consistent with the understanding that
4 you have developed over the course of your
5 participation in this proceeding about what
6 people, particularly in northern New Hampshire,
7 would find important in assessing a visual
8 impact?

9 A (DeWan) We believe that this is consistent with
10 professional practice which essentially looks at
11 four major elements in the landscape. Human
12 development being one. The others being
13 landform, vegetation, and water forms.

14 Q And so lack of human development is never a
15 positive feature in any of the views or
16 viewsapes that you have been asked to evaluate
17 in the course of this proceeding?

18 A (DeWan) I wouldn't phrase it that way. I would
19 say lack of human development is reflected in
20 other portions of this chart.

21 Q Could you show me where those points could be
22 earned by a view that literally showed no signs
23 to the casual -- that a human had done anything
24 there?

1 A (DeWan) Sure. It could be an example of
2 uniqueness.

3 Q Unique means the only one; does it not?

4 A (DeWan) Or it could be scarce throughout the
5 region. Could you go to the top of the chart?

6 Q Are pristine views scarce throughout the regions
7 you have been evaluating?

8 A (DeWan) I guess it would depend on your
9 definition of the word "pristine." By
10 "pristine" you mean not showing any human
11 development, that would be quite unusual.

12 Q And those points are, those same points are
13 available to views that do show signs of human
14 development, correct?

15 A (DeWan) That's right. And likewise, the chart
16 below that line has the ability to subtract
17 points if there is discordant development.

18 Q And could you read what is in the first line of
19 the cell immediately to the right of the cell
20 that says Negative Human Development?

21 A (DeWan) "Totally natural landscape or with
22 modifications -- "

23 Q No. I'm sorry. I asked you to read the first
24 line.

1 A (DeWan) "Totally natural landscape".

2 Q Totally natural landscape is a reason to have a
3 negative value?

4 A (DeWan) No. It's a zero.

5 Q It's a zero. Okay. So a totally natural
6 landscape gets a zero when that same landscape
7 with evidence of human activity gets a plus 5.

8 A (DeWan) With positive evidence of human
9 development.

10 Q Okay. And I'll just move on now. I think that
11 there's been quite a bit of questioning about
12 this language.

13 Is it appropriate for me to summarize it as
14 your, it is your opinion that most places that
15 have a Low Cultural Value perhaps because they
16 have not been designated are unlikely to have a
17 high scenic quality?

18 A (DeWan) That's quite a generalization, although
19 we did note that many of the places that we
20 identified as having Low Cultural Value, for
21 example, grasslands that may have been
22 designated for a particular resource or a
23 playing field are not the sort of places that we
24 had considered to have high scenic value because

1 they lack the variety of the landforms, the
2 other, the presence of water and other features
3 that constitute a landscape of high scenic
4 quality.

5 Q But a landscape that has not been designated is
6 very unlikely to be treated as other than having
7 Low Cultural Value, and, therefore, in your
8 professional opinion low scenic value.

9 A (DeWan) Not necessarily. As a matter of fact,
10 you know, we found some areas that had not been
11 designated which we find to have high scenic
12 quality.

13 Q You found one; is that correct?

14 A (DeWan) We did find one.

15 Q That you reported on. Did you find others that
16 you didn't report on?

17 A (DeWan) I don't believe so.

18 Q Okay. Let's move on.

19 I believe that this is covering the same
20 territory so we can move on. And can you read
21 the last sentence in the bottom cell?

22 MR. IACOPINO: Professor Crane, it would
23 really be helpful for your record if you were to
24 identify what you're asking him to read because

1 he'll read it, but somebody reviewing this
2 record won't know what you're talking about.

3 Q Okay. Thank you. We are still in Applicant's
4 Exhibit 1, Appendix 17. Now we have moved to
5 page M-14.

6 A (DeWan) The bottom line in this chart. "Project
7 elements may be apparent but will not change the
8 underlying character of the surrounding
9 landscape. The existing cultural and natural
10 landscape features remain dominant. Low, 1-16."

11 Q Thank you. And the natural landscape remaining
12 dominant is an important aspect of your
13 evaluation; is that correct? And if that, if
14 the natural landscape feature remains dominant,
15 it's going to have, be rated as having a low
16 impact, correct? Under this rating scale? I
17 think I'm just repeating the rating scale. I
18 want to make sure I understand it correctly.

19 A (DeWan) This is the way of evaluating the
20 landscape with the proposed Project in place.

21 Q Yes. Okay.

22 A (DeWan) Yes.

23 Q So what happens, how do you evaluate a viewscape
24 where the dominant characteristic of the natural

1 landscape is that you do not see anything
2 unnatural? Where the landscape is pristine? If
3 that is the dominant feature of that view, what
4 happens under your rating scale?

5 A (DeWan) Well, we evaluate the existing
6 conditions, using the methodology that we've
7 identified, looking at color, line, form,
8 texture, scale, dominance. Those are the
9 features that we use to evaluate the proposed
10 addition to the Project. Then we compare that
11 to what's out there now.

12 Q Okay. Let's move on. I'll come back when it
13 applies to a particular location.

14 Now we are still in the same Exhibit 1,
15 Appendix 17, moving to page M-15. And this
16 again is material that has been covered a bit.
17 I think I have another slide that, to focus.
18 No. I don't. Don't know what happened to it.

19 In this part of your methodology, you are
20 examining the effect on current use and
21 enjoyment. Do I remember correctly that you
22 view those two as two separate elements in your
23 analysis?

24 A (DeWan) I don't believe that's what we said. We

1 said that continued use and enjoyment is
2 considered as one construct. We evaluated the
3 effect on the continued use and enjoyment of
4 that particular resource.

5 Q So if people continue to use, do you assume that
6 they continue to enjoy?

7 A (DeWan) I think that we described, we talked
8 about this, I believe it was on Wednesday, that
9 we believe that all the uses that we observed
10 throughout the Project area will continue. And
11 we also mentioned that it is our opinion that
12 some people may not enjoy it as much but they
13 will certainly continue to use those facilities,
14 those resources. That's why we gave it a low
15 rating as opposed to a no impact rate.

16 Q Okay. But you don't provide us with any deeper
17 insights into the way you're applying the
18 interaction between continued use and continued
19 enjoyment?

20 A (DeWan) To the extent that we relied upon
21 studies have been done and I won't say in
22 comparable situations, but other studies that
23 have evaluated effects of major pieces of
24 infrastructure to recreational facilities, we

1 know that people will continue to use them.
2 People may not be happy with them, but they will
3 continue to use them.

4 Q Let's move on.

5 Okay. This is -- oh, dear. I didn't get
6 the page on this one. It is table -- okay.
7 We're in the pages examining Subarea 4 in
8 Applicant's Exhibit 1, Appendix 17. Does that
9 appear to be correct? And we are looking at
10 Table 4-1 in that document. It is the
11 Bridgewater Scenic Resources. Is that correct?

12 A (Kimball) Correct.

13 A (DeWan) Table 4-1. Bridgewater Scenic
14 Resources.

15 Q It's on page 4-7. This particular chart. Thank
16 you. Can you tell me what the first resource
17 identified is?

18 A (DeWan) Pemigewasset River.

19 Q And what does it, how was it scored for visual
20 quality?

21 A (DeWan) Gave it a medium in this chart.

22 Q And scenic significance?

23 A (DeWan) Gave it a medium in this chart.

24 Q And on to the next page?

1 And we're now looking at page 4-11. Table
2 4-2. The Ashland Scenic Resources. Seem to
3 have cut off the box I want you to read. So
4 let's just move on to New Hampton which is page
5 4-13. The New Hampton Scenic Resources. Can
6 you read the last row, Pemigewasset River, and
7 how was it rated for visual quality?

8 A (DeWan) We rated it high here and scenic
9 significance medium-high. I believe in talking
10 with Jessica right now that there may have been
11 a typo there.

12 Q Okay. Let's go to the next slide.

13 And here as well this is Bristol, and the
14 Pemigewasset River is item 7 here. Could you
15 read what it says for visual quality?

16 A (DeWan) High.

17 Q And the next slide?

18 A (DeWan) Scenic significance, medium-high.

19 Q So the Pemigewasset River for Subarea 4 has
20 been overall rated for scenic significance at?
21 I'm asking you to read the cell in gray.

22 A (DeWan) I see a lot of gray.

23 Q Under line 55 that begins multiple.

24 A (DeWan) Okay. Scenic significance, medium.

1 Q Overall impact?

2 A (DeWan) Overall visual impact, low to medium.

3 Q Next slide.

4 Are you familiar with this document?

5 A (DeWan) I believe it's a Data Request.

6 Q And could you read the request, please?

7 A (DeWan) The request, "Please explain in detail
8 the basis for the evaluation of the, quote,
9 visual, quality, unquote, of the Pemigewasset
10 River in Bridgewater as, quote, medium, unquote,
11 compared to the evaluation of the, quote, visual
12 quality, unquote, of the Pemigewasset in both
13 Ashland immediately to the north and New Hampton
14 immediately to the south as high."

15 Q Could you read the paragraph -- I'm sorry. The
16 sentence that begins "based" that begins on the
17 second line of the penultimate paragraph being
18 displayed?

19 A (DeWan) "Based on the collective," is that the
20 one you're talking about?

21 Q Um-hum.

22 A "Based upon the collective evaluations from KOPs
23 along the river, the overall visual quality
24 rating of the Pemigewasset was rated as medium

1 as noted on the summary table on page 4-2. The
2 assignment of a high rating for Ashland and New
3 Hampton was a typographical error."

4 Q Have you made available to the Committee an
5 update to your report that corrects this
6 typographical error?

7 A (DeWan) Not beyond the information contained in
8 this Data Request.

9 Q So if I hadn't brought this up today, the
10 Committee would not be aware of these mistakes
11 in your rating of the value of the Pemigewasset
12 in the original report filed.

13 A (DeWan) The Data Request was the information
14 that was requested from us.

15 Q The Data Requests in this part of discovery, it
16 is my understanding, are not available to the
17 Committee unless a party makes note of it on the
18 record in a setting as is being conducted today.
19 Is that not your understanding?

20 MR. IACOPINO: Professor Crane, is the Data
21 Request you're talking about marked as Ashland
22 to Deerfield Non-Abutters 52?

23 Q I'm sorry. And I should have explained this.

24 MR. IACOPINO: First of all, is it?

1 MS. CRANE: Yes.

2 MR. IACOPINO: So it is part of the record.

3 MS. CRANE: It will be part of the record.
4 It has not yet been filed. Anything in that
5 slide deck that is not otherwise an exhibit will
6 be a page number that corresponds to the slide
7 number in the slide deck. I'll try not to add
8 new exhibits, but I will refer to the
9 not-yet-introduced exhibits in their page number
10 in this slide deck which will be Ashland to
11 Deerfield Non-Abutters Exhibit 52.

12 MR. IACOPINO: Page 21.

13 MS. CRANE: Page 21. Thank you.

14 BY MS. CRANE:

15 Q And is it your understanding that your report is
16 available to the public on line?

17 A (DeWan) I believe it is.

18 Q Are these mistakes relatively significant in the
19 way you do your evaluation, whether they are for
20 better or for worse?

21 A (DeWan) We don't believe they are. We don't
22 think that they change our overall assessment of
23 the outcome of our evaluation.

24 Q Could they make the reader quite confused about

1 how you reached those conclusions?

2 A (DeWan) I don't know. I suppose it's possible.

3 Q And in your professional sense, you feel no
4 obligation to either yourself make sure that the
5 record corrects these mistakes or ask the
6 Applicant to make sure that these corrections
7 are made available to the public?

8 A (Kimball) This particular area of scenic quality
9 evaluation is used as a filtration system to go
10 on to the next level to determine whether or not
11 the scenic resource deserves evaluation.

12 Whether the scenic quality was rated as a high
13 or a medium would propel that into the next
14 level of evaluation. So there's no material
15 effect from this typographical error on the way
16 we evaluated the Project and to the way we
17 evaluated the Pemigewasset River or to the
18 extent to which we evaluated the Pemigewasset
19 River.

20 Q There certainly could be confusion in the reader
21 as to what your methodology actually was because
22 if they tried to retrace it, and retrace your
23 steps, it doesn't really make sense. Is that
24 likely? Or possible?

1 A (DeWan) I suppose there's that possibility.

2 Q Okay. Let's move on. Let's just move on. This
3 was in case you couldn't read it so keep moving.

4 Okay. And what is this a picture of?

5 A (DeWan) This is a photo simulation of the
6 Franklin Falls Dam.

7 Q It appeared as on page 4-5 of Applicant's
8 Exhibit 1, Appendix 17. Does that seem correct?

9 A (Kimball) Sure.

10 Q Okay. Back up again. Can you, and I know that
11 you can't speculate about how you assessed a
12 view from any one photograph, but I'm not going
13 to ask you to assess the view again, but I am
14 going to ask you to keep this view in mind and
15 imagine what was involved in your assessing this
16 overall location's scenic quality as high, the
17 only location on the Pemi that I believe after
18 your corrections you have identified as high.

19 Next slide.

20 Okay. I hate to say this, but this would
21 be a good time to break because I'm through my
22 methodology and on to specific locations, but I
23 will keep churning if you want me to.

24 PRESIDING OFFICER HONIGBERG: How much more

1 do you think you have? Roughly?

2 MS. CRANE: Unfortunately, I have more than
3 you're going to want to sit through before you
4 have lunch.

5 PRESIDING OFFICER HONIGBERG: I'm not sure
6 where that sentence would have ended, but do you
7 think that's an hour and a half? Do you think
8 that's three hours? What are we talking about
9 here?

10 MS. CRANE: It's not three, but it could be
11 an hour and a half.

12 PRESIDING OFFICER HONIGBERG: So the
13 original estimate of an hour and 15 minutes was
14 based on what exactly? Don't answer that.

15 MS. CRANE: I could say -- so are we off
16 the record or on.

17 PRESIDING OFFICER HONIGBERG: We're on the
18 record right now. I don't think people are
19 inclined to break for lunch right now. I think
20 we'd just as soon keep going for a while, and --

21 MS. CRANE: Sorry to have wasted this half
22 minute. Let's go.

23 PRESIDING OFFICER HONIGBERG: No, let's
24 think about somewhere in the 20- to 30-minute

1 range from now.

2 MS. CRANE: Okay. Thank you.

3 BY MS. CRANE:

4 Q This is Ashland to Deerfield Non-Abutters
5 Exhibit 52, page 24. It is a screen capture
6 from Google Maps. And I am offering it to us
7 all because I'm going to be looking at this
8 region over and over again, and it's intended as
9 a guide to orientation so we don't have to stand
10 on our heads every time the slides change. And
11 I want to point out in particular the blue
12 circle within which the I-93 emblem appears.

13 Can you just for the record, Mr. DeWan,
14 read what the designation at the top of the page
15 is, the arrow pointing to the body of water
16 says?

17 A (DeWan) Little Squam Lake?

18 Q And if you continue, follow Little Squam Lake
19 down through Ashland, although you can't see it
20 in this view, it keeps, that body of water
21 continues to the Pemi, essentially where that 93
22 emblem is. And let's move on.

23 This is blown up a bit. This is where the
24 body of water connects. Simply so that we can

1 all follow quickly on these slides, I'll just
2 identify these features. I'm not going to make
3 you identify them. The blue rectangles are the
4 Ashland water treatment plant. The green in the
5 middle of the page is the Sahegenet Recreational
6 Area. The river that runs into the
7 Pemigewasset at this location is the Squam
8 River connecting Little Squam, as I mentioned
9 before, to the Pemigewasset River. The River
10 Road is the road running north/south, almost
11 parallel to the river. To the west of the
12 river. We'd all be better off if I get my
13 slides at this point.

14 The next slide? No. Okay. I've got to
15 keep talking. Sorry. The body of water to the
16 west of the Pemigewasset River is a body of
17 water called Webster Pond.

18 There will be questions, Mr. Needleman.

19 The road that runs into the River Road is a
20 road called Cass Road. These names will appear
21 over and over again in the subsequent slides.

22 Okay. Next? And we don't need this. We
23 covered the river designation already. The
24 river designation however does extend out to and

1 to Webster Pond and to the west of Webster Pond.
2 Let's go.

3 And do you recognize this map?

4 A (DeWan) Yes.

5 Q And it is part of the assessment of Subarea 4
6 included in the Applicant's Exhibit 1, Appendix
7 17, and I didn't, in the discussion of
8 Bridgewater. And I want to point out this map,
9 not so much for the designated places, but for a
10 general analysis of the contours from this map.

11 So could you describe the, what the map
12 depicts just to the northwest that is up and to
13 the right of the body of water that is
14 immediately to the west of River Road and the
15 Pemigewasset River?

16 A (DeWan) Around the numbers 3 and 7? Is that
17 what you're referring to?

18 Q No, actually, it isn't. Well, just south of 3.
19 Just below 3 and to the west. That's to the
20 left.

21 A (DeWan) It looks like there's quite a bit of
22 topography just to the west of the 3.
23 Topography that runs generally in a north/south
24 direction.

1 Q I'm sorry. I missed. How would you describe
2 that topography?

3 A (DeWan) That it's, it looks like it's pronounced
4 topography that runs in a general north/south
5 direction.

6 Q What do you mean by "pronounced topography"?

7 A Judging from the fact that it's shadowed, there
8 is some grade change. I can't pick out from
9 this map at this scale how much elevation change
10 there is.

11 Q But there's considerable elevation change, you
12 would --

13 A (DeWan) I don't know what you mean by
14 considerable.

15 Q Okay. We'll get there. And I have been
16 reminded that this is page 4-6 of the Appendix
17 involved. Next.

18 This is again the Bridgewater Scenic
19 Resources. I think I can move on.

20 Here is Google maps with some of the
21 features that were pointed out earlier. There
22 is Cass Road.

23 MR. NEEDLEMAN: Mr. Chair, we've now seen
24 multiple exhibits with very few questions and

1 extensive testimony from my perspective.

2 PRESIDING OFFICER HONIGBERG: Ms. Crane,
3 what are the questions associated with this?
4 What is it you want to know from these
5 witnesses?

6 MS. CRANE: I want them to be able to
7 answer my questions with respect to the pictures
8 that are coming up so I'll -- okay.

9 PRESIDING OFFICER HONIGBERG: So all of
10 this, these last about 7 or 8 slides, are all
11 just scene setting for questions that are
12 coming?

13 MS. CRANE: Yes. And I asked about the
14 topography, did I not?

15 PRESIDING OFFICER HONIGBERG: Okay. You
16 asked some questions about one slide.

17 MS. CRANE: Okay. I will move on.

18 BY MS. CRANE:

19 Q I would like to call your attention to the
20 building, to, can you tell me what the blue
21 arrow is pointing to?

22 A (DeWan) I have no idea. Looks like a small
23 structure of some sort of.

24 Q A small structure of some sort. Thank you.

1 Next.

2 And the blue arrows on this are pointing to
3 what?

4 A (Kimball) It appears to be the existing
5 transmission line corridor.

6 A (DeWan) They're labeled.

7 Q They're labeled, and, indeed, you can see their
8 shoulder shadows in the field.

9 Next. And let's move on. We don't need
10 this.

11 And we don't need this either unless we get
12 confused again.

13 Okay. We are now looking at page 4-9 of
14 Applicant's Exhibit 1, Appendix 17. The Visual
15 Assessment of the Sahegenet Falls recreation
16 area, correct?

17 A (DeWan) That is correct.

18 Q I think I have broken it down into pieces that
19 are little bit more legible as we go. This was
20 already submitted as Ashland to Deerfield
21 Non-Abutters Exhibit 29. Do you recognize this
22 picture?

23 A (DeWan) I do.

24 Q As being what?

1 A (DeWan) A view from the Sahegenet Falls
2 recreation area looking towards the river.

3 Q And it was not included in your assessment, is
4 that correct? In what you made available to the
5 Committee, sorry. It was not included in your
6 report. It was provided as a result of a Data
7 Request.

8 A (Kimball) I believe the photo was used as part
9 of a larger panoramic image provided on page 4-8
10 of the report.

11 Q Okay. Let's back up. You think so? Really?

12 A (DeWan) No. I believe it was from a different,
13 slightly different location.

14 Q Thank you. Let's keep going.

15 A (Kimball) Previous page. This is 4-9.

16 Q It is the same view. It's not the same photo.

17 A (DeWan) Yes.

18 Q Okay. And that location is?

19 A (DeWan) I've already stated that's from the
20 banks of the river.

21 Q Looking?

22 A (Kimball) To the north.

23 Q To the north. Thank you. Okay.

24 Next.

1 And this was your conclusions about user
2 expectations at this location; is that correct?
3 Could you read what the blue arrow says? What
4 the blue arrow points to.

5 A (DeWan) User expects some cultural modifications
6 in the landscape when situated this close to
7 Interstate 93.

8 Q Let's go back up to that slide. Do you see any
9 of the sorts of features that a user would
10 expect merely because it's close to the highway
11 in this view or any of the other views that you
12 took of this location?

13 A (DeWan) Well, if I remember correctly, we're
14 looking straight ahead at an old bridge abutment
15 that may have crossed the river at that
16 location.

17 Q There is a old bridge abutment. Yes, there is.
18 Thank you for pointing it out. That will save
19 me some time in a minute.

20 And is that the kind of impact that you
21 would expect as a result that there being a
22 highway there?

23 A (DeWan) There used to be something that crossed
24 the river there. I don't know if it was a

1 highway or some other mode of transportation.

2 Q Okay. And is it possible that some visitors to
3 this location might actually find it
4 extraordinary to see a view like this so close
5 to the highway? And that part -- I'm sorry.
6 I'll let you answer that.

7 A (DeWan) Perhaps.

8 Q Perhaps. Indeed, it's quite unique to have a
9 view like this this close to an interstate
10 highway.

11 A It may be.

12 Q Okay. Let's move on. Next slide after that.

13 Could you read what these arrows, the lines
14 to these arrows are pointing to on page 39 of
15 this same -- I'm sorry. Not page 39 of this
16 exhibit. This is continuing with the already
17 identified analysis of Sahegenet.

18 A (DeWan) Would you like me to read those three
19 lines?

20 Q The lines that the arrows are pointing to, yes.

21 A User groups, local residents and paddlers. Next
22 bullet, second bullet down. A sign at the top
23 of Beech Road identifies the Sahegenet Falls and
24 restricts access to Bridgewater residents only.

1 Q And the bottom bullet point?

2 A The access road is poorly maintained. There is
3 no formal access to the Pemi River.

4 Q And do you, can you tell me what you mean by
5 formal access?

6 A (DeWan) The state did not list this in their
7 listing of water access points.

8 Q The state did not list this in its listing of
9 water access points.

10 A (DeWan) By formal access, we meant that there's
11 not a place that you can drive town there and
12 launch a boat. There's a place for informal
13 access to bring a canoe or kayak down there.

14 Q Informal and formal means canoe and kayak versus
15 motor boat? Is that part of your professional
16 analysis?

17 A (Kimball) The state keeps a list of all water
18 access points managed by the Department of New
19 Hampshire Fish & Game along all water bodies in
20 the state, and this particular point was not
21 listed in that designation. That's the root of
22 that.

23 A (DeWan) It was not formally list.

24 Q Okay. So it wasn't on that list.

1 A (Kimball) Correct.

2 A (DeWan) That's correct.

3 Q And if there is water access, that list is
4 incomplete.

5 A (Kimball) No. The list is a complete listing,
6 as I understand it, of the water access points
7 recognized and managed by the Department of Fish
8 & Game.

9 Q Okay. We're going around in that same circle we
10 did a hour ago so I'll move on.

11 The bullet point highlighted on this slide.
12 Your summary.

13 A (DeWan) The visual focus at this point in the
14 river is the variation in the shoreline and the
15 islands in the river. View of structures 1600
16 feet away through the trees will not visually
17 detract from the experience in Sahegenet Falls
18 recreation area.

19 Q Okay. And next slide.

20 And is this the sign to which the prior
21 bullet point was referring?

22 A (DeWan) That is correct.

23 Q Do you recall where this sign is located?

24 A At the top of the road leading down to the area.

1 Q And what do you mean by "leading down"?

2 A (Kimball) The top of road between, I believe
3 it's River Road and the beach.

4 Q And can you expand any more on what you mean by
5 down?

6 A (DeWan) The change in elevation is quite a grade
7 change from the upper area here going down to
8 the river.

9 Q There is quite a grade change. Thank you. And
10 what is at the bottom of this road?

11 A (DeWan) Bottom of the road is the recreation
12 area. Largely forested. There's some
13 floodplain areas there. There's the shoreline.
14 There's a picnic area. There's overlook.

15 Q And a parking lot?

16 A (DeWan) I don't think I'd call it a parking lot.
17 There may be a place for where people park. I
18 wouldn't call it a parking lot.

19 Q Thank you. And how many automobiles could that
20 place where people park accommodate?

21 A (DeWan) I have -- don't recall. Five to 15
22 perhaps. No one was there when we were
23 visiting.

24 Q But you did actually visit yourself?

1 A (DeWan) I took the photographs. Yes.

2 Q Okay. And do you remember whether there was
3 additional parking at the top?

4 A (DeWan) I don't believe so.

5 Q Well, we'll get back to that. Okay. And what
6 does the sign say?

7 MR. NEEDLEMAN: Objection. Relevance to
8 this line of questioning.

9 PRESIDING OFFICER HONIGBERG: Ms. Crane?
10 What's the relevance to this line of
11 questioning?

12 MS. CRANE: I believe that Mr. DeWan has
13 made it quite clear that the extent to which a
14 scenic resource is open to the public and is
15 used by a wide variety of visitors is important
16 to assigning a cultural value and assessing an
17 overall impact. Indeed, he --

18 PRESIDING OFFICER HONIGBERG: Stop talking.
19 Overruled. You can answer the question.

20 A (DeWan) This also raises the question about
21 whether or not this constitutes public access or
22 not if only the people that live there -- that's
23 a legal question, I realize.

24 Q Okay. Next slide.

1 This is another Google Maps, and I'm sorry
2 that it's so small. But can you read the
3 language next to the little red circles?

4 A (DeWan) Yogi Bear's Jellystone Park Campground
5 and Davidson's Countryside Campground.

6 Q And while we're looking at this map, would
7 campgrounds ordinarily be evaluated as potential
8 scenic resources?

9 A (DeWan) If they were part of a State Park or
10 National Forest perhaps. Places where people
11 have to pay admission to get into them, we
12 generally did not look at as publicly
13 accessible.

14 Q Admission means not publicly -- charging
15 admission means not publicly accessible? Have
16 you applied that standard consistently in
17 evaluating all of your resources?

18 A (DeWan) That's one of the considerations we
19 looked at.

20 Q One of the considerations you looked at. So any
21 commercially operated tourist destination is not
22 going to be treated as a scenic resource merely
23 because you have to pay for it?

24 A (DeWan) That's not what we said.

1 Q Well, okay. Then tell me what you meant.

2 A (DeWan) If the place requires you to pay an
3 admission fee to gain access to it, to enjoy the
4 facility, we felt that that did not qualify as a
5 publicly accessible location as our
6 understanding.

7 Q Okay. Let's go. Move on.

8 And do you find -- well, no, I guess you've
9 already answered my question. We're not going
10 to find Davidson's Campground on the -- I'm
11 sorry. Jellystone on the New Hampton list or
12 Davidson's on the Bristol list. So let's just
13 move on.

14 Okay. This is a map of the campground. It
15 is actually on the river. If this accurately
16 portrays. This is slide 44, making it an
17 Ashland to Deerfield Non-Abutters Exhibit 52,
18 page 44. Does it appear that the campground is
19 actually on the river?

20 A (DeWan) I don't see a label that designates that
21 as the river. So I see there is a body of water
22 on the west side.

23 Q And the very tiny print, can you make out what
24 the very tiny print in the water there says?

1 A I see there's two words. Says boat launch
2 perhaps.

3 Q Yeah, boat launch. That might suggest it's on a
4 river.

5 A (DeWan) Or on some body of water.

6 Q Okay. Next slide.

7 And these, this is from that same webpage.
8 Can you read for me what it says under
9 recreation?

10 A (DeWan) The variety of different activities.
11 Can I just say ranging from playgrounds to
12 funnel ball?

13 Q No. Please read the column immediately under
14 where it says recreation?

15 A (DeWan) Recreation, boating, rowboat rentals,
16 canoe rentals, kayak rentals, river access.

17 Q People who visit Davidson's -- I'm sorry. This
18 is Davidson's Campground. It is possible for
19 them to gain access to the river from the
20 campground, one would assume.

21 A (DeWan) Apparently so.

22 Q Next.

23 And this is from that same website. Could
24 you read all of the text and describe the

1 picture. We are on page 46 of Ashland to
2 Deerfield Non-Abutters Exhibit 52.

3 A (DeWan) Directions, take right at top of
4 Schofield Road. Go about ten miles until you
5 see sign on right-hand side of road. Take
6 right. Go downhill to park. Follow paths on
7 right-hand side to river's edge.

8 Q What does it say at the top?

9 A (DeWan) Sahegenet Falls. 10 to 15 minutes.

10 Q And does this suggest that this campground
11 recommends that its users visit Sahegenet Falls?

12 A (DeWan) It seems like it's a local attraction
13 for people who are at the campground.

14 Q Okay. But I'm sorry.

15 A (Kimball) Could I take a bio break?

16 PRESIDING OFFICER HONIGBERG: Yes. This
17 actually is a good time. Do you have one or two
18 questions left?

19 A (DeWan) I've only got a couple more slides.

20 Q And this was the view that I was going to ask
21 you to compare with the view at Franklin Dam and
22 give me not -- I don't want an assessment of
23 this view. But I would like to know what you
24 would be taking into account when you gave the

1 view at Franklin Dam a high rating and the view
2 here?

3 A (DeWan) What we're looking at in the other view
4 was the presence of the structure on the
5 foreground that had some historic interest.

6 Q So the presence of the dam.

7 A (DeWan) And the intake structure.

8 Q And the intake structure caused that facility to
9 get a high rating, and this view which although
10 it does show one farm across the field, and if
11 you look at it carefully, you may be able to
12 find a boat launch, is not a particularly
13 interesting scene quality; is that correct?

14 A (DeWan) If that's your opinion, that's your
15 opinion. We have not given you an opinion on
16 that.

17 Q Okay. But you indicated that there was no part
18 of the Pemi that you would rate higher than
19 medium except the Franklin Dam, correct?

20 A (DeWan) No. I didn't say that.

21 Q Yeah. I think you did actually.

22 A (DeWan) No. You said any part of the Pemi. I
23 know that places in the White Mountain National
24 Forest are quite spectacular.

1 Q And they're all one scenic resource.

2 A (DeWan) That's correct.

3 Q Can you tell us what your methodology was for
4 combining scenic resources that only appear in
5 Subarea 3 or even Subarea 2 with those that also
6 appear in Subarea 4 was?

7 PRESIDING OFFICER HONIGBERG: We're going
8 to make that a cliffhanger, break for lunch and
9 we'll be back at 1:30.

10 WITNESS DEWAN: Thank you.

11 (Lunch recess taken at 12:27
12 p.m. and concludes the **Day 34**
13 **Morning Session**. The hearing
14 continues under separate cover
15 in the transcript noted as **Day**
16 **34 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 19th day of September, 2017.

Cynthia Foster, LCR