STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

September 15, 2017 - 1:50 p.m.        DAY 34
49 Donovan Street        Afternoon Session ONLY
Concord, NH

{Electronically filed with SEC on 09-26-17}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:
Chrmn. Martin P. Honigberg        Public Utilities Comm.
(Presiding as Presiding Officer)

Dir. Craig Wright, Designee        Dept. of Environ. Serv.
Christopher Way, Designee        Dept. of Resources &
                                Economic Development
William Oldenburg, Designee        Dept. of Transportation
Patricia Weathersby        Public Member
Rachel (Whitaker) Dandeneau        Alternate Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel to the SEC
Iryna Dore, Esquire, Co-counsel to the SEC
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER:  Susan J. Robidas, NH LCR No. 44
# INDEX

**WITNESS PANEL:**
- Terrence J. DeWan
- Jessica Wagner Kimball

**EXAMINATION**
- Cross-examination by Ms. Crane (cont’d) 9
- Cross-examination by Ms. Saffo 131

**EXHIBITS**

<table>
<thead>
<tr>
<th>EXHIBIT</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>AD-N-ABTR 52</td>
<td>Maps and Photographs and documents</td>
<td>10</td>
</tr>
<tr>
<td>AD-N-ABTR 29</td>
<td>12/30/16 Letter to SEC from Mr. Masera</td>
<td>21</td>
</tr>
<tr>
<td>GRF 36</td>
<td>10/16/15 Letter to NHDOT from Atty. Hodgdon</td>
<td>131</td>
</tr>
</tbody>
</table>
PROCEEDINGS

(Hearing resumed at 1:33 p.m.)

CHAIRMAN HONIGBERG: All right.

Before we resume questioning of the panel, I understand, Ms. Boepple, you have something you need to bring to us?

MS. BOEPPLE: Yes, Chair. Thank you.

A couple things with respect to the procedural order that issued this week. One, let me start with the recall of the historic expert, Cheryl Widell. The order states specifically that she will be subject to cross strictly on the Programmatic Agreement. The cultural landscape reports were also not available during her testimony, and we're requesting that the recall of her cross be extended to include those.

CHAIRMAN HONIGBERG: Have you spoken with the Applicant's counsel about this?

MS. BOEPPLE: I have not. I've been talking with him about some other things.

CHAIRMAN HONIGBERG: Okay. Mr. Needleman.
MR. NEEDLEMAN: It's not something I can respond to in the moment, mainly because I wasn't the person handling that.

CHAIRMAN HONIGBERG: So I understand the request. I think it would be possible that if you can get in touch with Mr. Walker and get us a response sometime this afternoon, that would be good. Beyond that, I don't think it makes sense to say anything more yet. I think they understand the request. I doubt anyone else has anything substantive they want to say on this topic. Am I correct?

[No verbal response]

CHAIRMAN HONIGBERG: All right. Ms. Boeppl, what else have you got?

MS. BOEPPLE: The other issue with respect to the order has to do with the submission of information related to cross-examination by the September 22nd deadline. Two things with respect to that: One, we're asking for a clarification on the types of witnesses that that information must be submitted for. Does that include all, for
example, Counsel for the Public's expert
witnesses, No. 1?

And No. 2, the other question
that we have is whether or not we could
consider, and I have in fact consulted with
Attorney Needleman on this, to see if we
could reach some sort of an agreement on a
counterproposal to that deadline of the 22nd
for all the remaining witnesses, and that is
to build in a series of deadlines that would
allow all of the parties to submit their
proposed line of questioning for the cross,
for this supposed "friendly cross." It would
make it more manageable. Presumably it would
give all the parties a little more time to
really be thoughtful and produce information
that's sufficient for the Committee to make a
determination about the line of the
questioning for the cross. My fear is that
the September 22nd deadline, for everybody
involved, means that a lot of us will end up
scrambling to put something in by that
deadline, and it's likely to look a lot more
like a very generic sort of, well, I'm going
to ask these witnesses questions on orderly
development, for example.

So our proposal is that we be
allowed to spend a little more time trying to
come up with a proposal, a proposed
alternative to that single deadline.

CHAIRMAN HONIGBERG: Mr.

Needleman.

MR. NEEDLEMAN: Beth and I did
talk about this yesterday and again today. We
are willing to show some flexibility on this if
the Committee is inclined to do that. I think
it's important, though, that I state the
concern we've got about the impact that this
could potentially have on scheduling. What I
mean by that is we have a concern that if
everybody is not careful in terms of witness
management going forward, it could get quite
complicated. We could have days where
witnesses aren't ready to go, or we have gaps,
and we'd be very worried about that. And my
fear is that if we create a multiple set of
deadlines for these types of disclosures, it's
only going to enhance that potential problem.
So I think if the Committee were inclined to go there, I think what we could agree to would be two deadlines: One on September 22nd for, say, the first half of witnesses, and then another one 10 days later for the second half.

CHAIRMAN HONIGBERG: I understand the issue. It's something that I did think about subsequent to issuing the order. I think it makes sense for you to have a conversation about this and see if you can reach an agreement that will work for everyone. I think that it is possible that your concern is a valid one, Ms. Boepple, and it's also very possible that Mr. Needleman's concern is a valid one. So I suggest that you try to take both into account.

Keep in mind, I think that the timing of all of this shouldn't be quite as bad as I think people are making it for themselves, because there was a prehearing conference in this matter in relatively early August, as I recall, certainly within the first two weeks of August, I think, at which
everyone was supposed to be prepared to
discuss how much time they needed with each
witness, which meant that each person who had
that testimony for many, many months would
have gone through that testimony and figured
out what it was they wanted to ask, so that
they would know how long it would take. So
we're really, I think, talking about people
going back through their notes and
identifying what it is they feel they need to
ask.

I'll also say, one of the
provisions of that order is, if you're
adverse and can explain how you're adverse to
the witness, you don't need to give any
information about what you intend to ask.
You're adverse and you'll be doing a
traditional adverse cross-examination. It's
this "friendly" examination where there needs
to be limits placed, because it doesn't make
any sense for a bunch of questions to be
asked of witnesses that reiterate their
testimony, expand on it beyond the scope of
what their direct was and just, I used the
phrase "guild the lily" in another context yesterday, but same could be used here. So I think there's certainly some agreement the two of you can reach, and actually, all of you can reach on scheduling.

With respect to the question about whether it applies to Counsel for the Public's witnesses, we're going to think about that and respond later today. Later today we'll give you an answer on that.

MS. BOEPPLLE: Thank you.

CHAIRMAN HONIGBERG: I think we're ready to resume questioning. No.

Off the record.

(Discussion off the record)

CHAIRMAN HONIGBERG: All right.

Ms. Crane, you may continue.

MS. CRANE: Thank you.

CROSS-EXAMINATION (cont'd)

BY MS. CRANE:

Q. I believe we were talking about access to Sawhegenet Falls and the possibility of accessing Sawhegenet Falls from the campgrounds that are relatively close down
river. Is that where you remember us being?

A. (DeWan) In that general vicinity, yes.

Q. Let's just go. Let's look at the next slide, remember what we were talking about.

The red indicator is -- the green text above the red indicator says what, Mr. DeWan?

A. "Sawhegenet Falls Recreational Area."

Q. And it is -- if we trust Google Maps to measure, and we are now on Page 47, which is a Google Maps screen capture part of the Ashland to Deerfield Non-Abutters Exhibit 52, how far is it from Interstate 93?

A. (DeWan) Approximately 2100 feet.

Q. About 2100 feet. And do you see very much else in the general landscape that would tend to lower the visitor to Sawhegenet Falls expectation of their experience there?

A. (DeWan) Only River Road on the west side.

Q. Only River Road on the west side. Okay.

Next slide. And this is a blow-up of that same location. Can you tell us what the designation on the furthest left arrow is?

A. (DeWan) I see an indication of a parking lot.

Q. And do you have any recollection, now that
you see the picture, what that parking lot
was like?

A. (DeWan) I do remember a relatively level area
at the base of the access road that we
described before, but not a formal parking,
designated parking area.

Q. Okay. I don't need to worry about the
meaning of the term "designation" yet again.
And the other label says what?

A. (DeWan) "Location of put-in."

Q. Okay. And so these are relatively crude ways
of getting to Sawhegenet either by car and
trying to leave your car in what I have
labeled "parking lot," or carrying a kayak or
a canoe across down there to the put-in place
if one wanted to launch from Sawhegenet;
correct?

A. (DeWan) It appears that way.

Q. Okay. So now we've got that in our heads.
And there is in this picture, in the middle
in the bottom, okay, and it isn't made out
very clearly, but I just want us to notice
that there is something there in the middle
of the river. And you've made some
suggestion that you understood what it was
when you looked at an earlier slide. Do you
recall what you might have thought that --

A. (DeWan) I thought there was an old abutment
of some sort in the river.

Q. Okay. And old abutment of some sort. Okay.
Let's keep going.

So now we're back trying to get on the
river by kayak. And we looked at this slide
before. This is Page 51, a photograph taken
from the bridge on Route 104 looking up the
Pemi. And what is the designation given to
the area pointed at by the left arrow on this
screen.

A. (DeWan) The label says "public boat launch."

Q. Okay. And the right arrow says?

A. (DeWan) "Davidson Campground."

Q. And do you recall that's the campground we
were talking about a few questions before the
break?

A. (DeWan) I would just have to assume that it
is.

Q. Okay. Subject to check, I think I can assert
that it is.
And next slide. This is another picture
taken from Route 104. I know it's quite hard
to read, but can you make out what that sign
says?

A. (DeWan) Looks like "Mooney Clark Landing."

Q. Mooney Park Landing. And what does the road
appear to be -- where does the road appear to
be leading us?

A. (DeWan) Well, I see a turnaround in the
immediate foreground, and the road either
dead ends or may go down the slope straight
ahead.

Q. Okay. And that down the slope would be
toward the river.

A. (DeWan) Appears that way.

Q. Okay. And will you accept my assertion that
that is, in fact, the entryway to the point
that was designated as a public boat launch?

A. (DeWan) I have no idea if that is or not.

Q. Would you like me to get you an aerial view
of that so you can accept my assertion?

A. (DeWan) For purpose of this discussion, sure.

Q. Okay. So there is -- are you willing to
accept my assertion that there is a boat
launch at this location?

A. (DeWan) I see there is a sign that says "landing." I don't see any sign that says "boat launch" here.

Q. What do you think I mean when I say "boat launch"?

A. (DeWan) A place where the public could generally go down and launch a boat of some sort into the river.


Okay. So this is another orienting picture. And the only thing that's different about this one is the bottom blue arrow. And the label on that is not a word you necessarily have seen before, so I'll pronounce it for you if you would like and then you can repeat it. Cogliano. And after "Cogliano"?

A. (DeWan) "Access."

Q. What does the arrow seem to be pointing toward?

A. (DeWan) To the buffer between the river and an opening in the forest.
Q. What do you mean by a "buffer"?

A. (DeWan) A stand of vegetation.

Q. Okay. And immediately to the left of the stand of vegetation?

A. (DeWan) I see a field with three white dots in it.

Q. Okay. A field with three white dots in it.

Okay. Next slide. And I apologize if this seems inappropriate. This is an obituary that was published in what I think of as The Plymouth Record, and whatever else it is now in 2008, of a man named -- I'm sorry. Can you just read the name for me?

A. (DeWan) Anthony F. Cogliano.

Q. And we are looking at Page 54. Let's not look at that anymore. Let's go to the next slide.

This is the excerpts that I would have you read from this. Can you help me reading that?

A. (DeWan) "In 1972, he and his wife founded the Cogwood Campground on River Road in Bridgewater and operated it for many years."

Q. And the next line says?
A. "A celebration of his life will take place this summer at the Cogwood Campground in Bridgewater."

Q. And if you recall, the obituary was in 2008?

MR. NEEDLEMAN: Objection.

Relevance.

MS. CRANE: This post-dates his data; right?

CHAIRMAN HONIGBERG: The question, the pending question is, "Do you recall that the date was 2008?" You can answer.

A. (DeWan) I did not pay --

MS. CRANE: Then let's look at the prior slide again. Not the next one, the prior.

MR. NEEDLEMAN: Mr. Chair, I'm objecting to the relevance of this whole line. I don't understand it.

CHAIRMAN HONIGBERG: Yeah, she hasn't gotten there yet.

MS. CRANE: I am content to leave this question unanswered. I think I got the date into the record myself.
Let's continue not one, but two slides.

BY MS. CRANE:

Q. And what is on this Slide 56 of Exhibit 52? What does it appear to be?

A. (DeWan) Well, there appears to be a picnic table on the right. There seems to be a pathway of some sort that goes down to a river.

Q. And let's finish this slide. What does the sign in the blown-up portion of this picture say?

A. (DeWan) It says, "No lifeguard on duty. Swim at own risk."

Q. And would you accept my assertion that we are looking at the Pemi, at the old Cogliano Campground?

A. (DeWan) I will accept that.

Q. Okay.

CHAIRMAN HONIGBERG: Ms. Crane, what is the relevance of all this?

MS. CRANE: This is still an active campground, it's just not publicly advertised -- I'm sorry -- why we're still
talking about kayak and canoe and tube access
to the Pemi, and this is an additional place
where people regularly gain access to the
river.

CHAIRMAN HONIGBERG: Mr.

Needleman, you want to say something?

MR. NEEDLEMAN: I still don't

understand why it's relevant.

BY MS. CRANE:

Q. Could you remind me how you described the
users of this particular scenic resource?

A. (DeWan) When you say the "users" of the
resource, you're talking about the Pemi River
as a whole?

Q. Ah, well, that's an interesting question.

Why do we have any assessment of Sawhegenet
if it's only part of the Pemi as a whole?

A. (Kimball) It's also a conservation area.

Q. So if you're a conservation area and part of
the river, you still get analyzed, but if
you're a different part of the river you
don't?

A. (Kimball) I just looked to Site 102.45, the
definition of "scenic resources," and
conservation areas with right of public
access are scenic resources unto themselves.

Q. And what do we mean by "conservation area"
here? Because I do not believe that your
description of this particular location made
reference to that. Could you show me where
it does?

A. (Kimball) For Sawhegenet Falls?

Q. Yes.

A. (Kimball) We have it listed as a town
recreation area with trails and access to
Pemigewasset River in the table. I believe
we refer to it as a recreation area. But the
outline on the map that we have provided on
Page 4-8 is an outline of the Sawhegenet
Falls recreation area. That polygon follows
the outline of the conservation easement that
protects it.

Q. But you did not include any information about
that in your overall assessment of this
location, did you?

A. (DeWan) We described the Sawhegenet Falls
recreation area on Page 4-8.

Q. And that description, which the average
reader of your report would assume was
comprehensive in your discussion of
Sawhegenet, be the things you took into
account when evaluating Sawhegenet, wouldn't
it?
A. (Kimball) It's just what classifies it as a
scenic resource is that it is a conservation
area.
Q. Okay. So this is -- next slide. And what is
depicted in this slide?
A. (DeWan) A boat of some sort on what we assume
to be the Pemi River.
Q. And will you accept my assertion that this
was made only a few feet in front of the last
slide, that it's closer to the river than the
shot in the previous slide?
A. (DeWan) I will accept that.
Q. And does that boat appear to be a motorboat?
A. (DeWan) It appears to be.
Q. Okay. Unfortunately, I can only ask you --
no, I can't. Never mind.
So let's go on to the next slide, which
is Slide 58. It has been previously admitted
as Ashland to Deerfield Non-Abutters Exhibit...
29. Could you read the sentence at the end of the first paragraph?

A. (DeWan) Starting with the word "customers"?

Q. Thank you. Yes.

A. (DeWan) "Customers prefer a route from Plymouth downriver to New Hampton rather than the northern route coming to Plymouth because of the volume of water that this river carries due to the merger with the Baker River, and also the lack of development and the highly scenic experience on the southern route."

Q. And who has written this letter?

A. (DeWan) This has been authored by Daniel Masera from Plymouth Ski & Sports.

Q. And are you familiar with the business that Plymouth Ski & Sports is involved in?

A. (DeWan) I am not.

Q. Will you accept my assertion that he rents kayaks and canoes?

A. (DeWan) I wouldn't doubt that.

Q. Okay. And we can get that into the record in a more appropriate way by having you read the sentence that says "A significant..."?
A. (DeWan) Which paragraph?

Q. In the first paragraph.

A. (DeWan) "A significant portion of my summertime business is based upon kayak, canoe and tubing trips down the Pemigewasset River."

Q. And then if I could just have the phrase that begins "also" at the end of that paragraph again.

A. (DeWan) "...also, the lack of development and the highly scenic experience on the southern route."

Q. And what does this letter suggest is the expectation of kayak and canoers on the southern portion of the Pemigewasset, beginning moving southward from Plymouth?

A. (DeWan) The expectation, according to Mr. Masera, is that they expect to see an adequate volume of water and a scenic experience on the river.

Q. And what makes that scenic experience important to them, according to Mr. Masera?

A. (DeWan) Perhaps, among other things, the lack of development.
Q. The lack of development. Thank you.

Is this the kind of expectation that you would normally take into account in coming up with your estimates of expectations for potential users at scenic resources?

A. (DeWan) When you say "this," what are you referring to?

Q. Observations like Mr. Masera's about what's important to his customers.

A. (DeWan) Well, we look at, you know, the subject property -- in this case, a portion of the scenic resource -- and evaluate what's out there right now and determine whether or not there's any development, a lot of development, minimal development, and what type of development that you see. Are there gravel pits, single-family homes, transmission lines, railroad tracks and so forth?

Q. And do you recall what your description at Sawhegenet itself was in your -- in the formal discussion in your report?

A. (DeWan) I think we covered that already. I think we said --
Q. I'm just hoping that we can all have it in our minds.

(Witness reviews document.)

A. (Kimball) We state that users expect some cultural modifications in the landscape when situated this close to Interstate 93.

Q. Okay. Next slide.

This is Slide 59, a photograph. And I'm not sure that it's fair to expect you to identify it just -- could you tell me what you could see if you were evaluating this view, in terms of its -- whatever you take into account when you take into account human development?

A. (DeWan) Well, as we've said many times, we don't judge scenes like this on the basis of an isolated photograph --

Q. I didn't ask you to --

A. (DeWan) Well, you asked me what I take into account, so I --

Q. I asked you --

(Court Reporter interrupts.)

A. (DeWan) What we would do is go to this location, do a 360-degree scan to find out
what we see upstream, downstream, across the river, behind us, and then do an evaluation based upon what we see, what we experience.

Q. And the question that I intended to ask was:
Looking at this picture, can you identify anything that you would take into account in that assessment of the development at this location?

A. (DeWan) Certainly. You know, we look at land form, we look at vegetation, we look at water bodies and we look at human development.

Q. And I wanted you to address in particular the human development characteristics.

A. (DeWan) Okay. I see a bright dot on the left-hand shoreline. I have no idea what that is, but it may indicate something happening there. Immediately above that I see a horizontal line which may indicate there perhaps is some field of some sort there. Photographic quality is a little bit dark, so I can't see into the woods very much on either side, so I really can't see anything that we would normally look for when we go to a situation like this.
Q. Okay. Do you see anything cutting across the
clouds that are lowest to the vegetation line
above that yellow dot?

A. (DeWan) I don't see anything.

Q. Well, let's go to the next slide and see if
you can figure out what you see. What are
the two blue arrows pointing at?

A. (DeWan) I don't know. I don't see anything
other than sky and clouds.

Q. Well, I guess I'll have to blow it up.

(Pause)

Q. What is the lower blue arrow -- can you make
out anything that the lower blue arrow is
looking at?

A. (DeWan) It may be the coarseness of the dot
pattern on my screen, but I'm still only
seeing the tops of the clouds.

Q. Well, would you accept my assertion that that
is the power -- the transmission lines at the
location that's this New Hampshire scenic
easement?

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: Ms. Crane,
all I'm seeing is clouds.
MS. CRANE: Okay. I apologize that our devices -- I appreciate the quality of your photographs instead.

BY MS. CRANE:

Q. Let's go back to the slide and talk about the other things we could be talking about at this slide.

Okay. Given that you can't see those power lines and you can't make out what the yellow dot is, there's not much human development to be witnessed; is that accurate?

A. (DeWan) No, it's not accurate because, as I said, I can't see into the woods here.

Q. In this view there is not much human development.

A. (DeWan) In this photograph --

Q. Yes, that's my question.

A. (DeWan) -- I see little human development. But this view, in reality, may have more that we're just not seeing here.

Q. This sight line. I don't know what you're using as your definition of "view" but --

A. (DeWan) "View" refers to the experience of
actually being there as opposed to looking at a photograph which represents one person's visit there.

Q. I appreciate that. Okay. Let's go.

Okay. And this is in fact what the put-in point at Sawhegenet looks like. We don't need to spend any more time with this, except to look at this picture.

Now, I apologize. I couldn't get a version of this picture without a label. But what does the label say? We are now on Slide 63.

A. (DeWan) Says "Pemi River at S falls.JPG."

Q. And from what advantage point does this photograph seem to have been taken?

A. (DeWan) It appears to be from a snowmobile trail perhaps adjacent to the river.

Q. Snowmobile trail adjacent to the river. And I have it on good information that the person who provided me with the picture intended that the "S" means Sawhegenet, but I'm not going to ask you to accept that assertion. Let's just keep going because it's a snowmobile trail along the river. Thank you.
Next slide. So could you remind me who you identified as the user groups of Sawhegenet?

A. (DeWan) Local residents and paddlers.

Q. And are you still comfortable with that being an accurate summary of the ways that Sawhegenet gets used?

A. (DeWan) Certainly, based upon that sign that we saw at the top of the hill.

Q. And what was that sign? What did that sign say?

A. (DeWan) Something to the effect that use is limited to local residents only.

Q. The sign at the top of the road is the sign we're talking about; correct?

A. (DeWan) That's correct.

Q. Are there other ways to get to Sawhegenet?

A. (DeWan) I suppose somebody could arrive by water. But I don't know if some local constable would have the ability to ask them to leave based upon what we saw from that sign.

Q. And do you remember the pile of rocks in the middle of the river?
A. (DeWan) Yes.

Q. And do you imagine that the local constable could exclude them from that location?

A. (DeWan) I would doubt it.

Q. Okay. And did you see any signs disinventing people who did approach from the river?

A. (DeWan) No, I did not.

Q. And did you see any warning in the Davidson Campground recommendation of it as a destination that the local constable might interact with them at this location?

A. (DeWan) You're referring to the publication that you asked us to read the uses on?

Q. Yes.

A. (DeWan) I don't recall seeing anything to that effect.

Q. Okay.

MS. CRANE: Let's go back to the slide from the Davidson Campground, the Sawhegenet directions. Forward two.

BY MS. CRANE:

Q. So, on this slide, the guests at Davidson Campground can rent a boat. And on the next slide they're being invited to go to
Sawhegenet Falls. They may be -- they have
two ways to get there. Would you agree? Or
at least two ways to get there, I should say.

(Witness reviews document.)

Q. Where was that snowmobile going?
A. (DeWan) I have no idea. I don't know where that snowmobile was relative to the parking lot.

Q. Okay. We'll return to this possible way of getting to and leaving Sawhegenet.

   Next slide after this. Okay. We looked at this earlier; correct?

A. (DeWan) We did.

Q. And we concluded that if there was positive human development, five points would be added to the analysis?

A. (DeWan) That's correct.

Q. And your assessment of Sawhegenet, if I recall correctly, included only mention of the natural landscape; is that correct?

A. (DeWan) We may have mentioned the possibility that there may have been an old bridge abutment in the river --

Q. Could you find where in your report you noted that?

A. (DeWan) It may take a moment to find that. (Witness reviews document.)

A. (DeWan) I don't see it right now. I know that we recognized that it was there.
Q. Could you please offer to correct the record if you find it?

(Witness reviews document.)

Q. We can move on if you'd like to wait until some other moment --

A. (DeWan) Yes.

Q. But I think I can ask you. Do you know whether there were any points for positive human development added to the Sawhegenet scoring?

A. (DeWan) It will take us a moment to find it.

(Witness reviews document.)

Q. We could go to the next slide while we're waiting. And indeed, we've seen this one several times, so we can go to the next one.

A. (DeWan) To answer your earlier question, we did not reference any positive human development when we did our evaluation of existing scenic conditions.

Q. Thank you. And we are now looking at Slide 69. Did you assign any points for positive human development at this location?

A. (DeWan) Could you identify where this location is?
MS. CRANE: This location. He's concerned about this location, so let's...

BY MS. CRANE:

Q. I'm sorry. Are you asking what the location of the scene depicted in the slide was, or are you asking --

A. (DeWan) My question is -- I don't know where that location is.

Q. Okay. Let's look at the slide again.

MS. CRANE: I think he answered that.

MR. IACOPINO: I think the problem is that you've put another slide up on the screen that he was looking at that was not --

MS. CRANE: Oh, okay.

MR. IACOPINO: So he's confused and I'm confused as to which location you're now speaking about.

MS. CRANE: We have not moved an inch.

A. (DeWan) Oh, I thought you moved to a different location. So are we to assume that was --
BY MS. CRANE:

Q. Let's go back and look at that old depiction. Okay. Did your assessment assign any points for human development at Sawhegenet?

A. (DeWan) I believe I just answered that. No, we did not.

Q. Okay. Thank you. So let's go look at the slide now.

MS. CRANE: Let's go back up one.

BY MS. CRANE:

Q. And it's a little hard necessarily to see, but that's the pile of rocks that you earlier thought might have been a bridge abutment. Yes?

A. (DeWan) I'm not sure. Could you show the historic photograph?

Q. Okay. This is a photograph that we've now looked at three or four times.

A. (DeWan) Yes.

Q. It's appearing here at Slide 68, but it's already marked Exhibit 29. And I don't know exactly where you took it from, but it's your picture, not mine.
A. (DeWan) That's correct.

Q. And it's at Sawhegenet. Yes?

A. (DeWan) This is, yes.

Q. Yes. Okay. So let's try to identify this pile of rocks.

MS. CRANE: Go on to the next slide, please.

BY MS. CRANE:

Q. And this appears to be a relatively full river with an old bridge abutment in it; does it not?

A. (DeWan) It appears to be a wide section of a river with two large bridge abutments.

Q. And there's a slight falls there that also occurs -- I'm sorry.

Do you recall whether there was any falls at the location named Sawhegenet Falls?

A. (DeWan) I don't believe we saw any.

Q. Okay. Next picture. What is depicted in this?

A. (DeWan) This appears to be an old covered bridge.

Q. And do you recognize the town in the background?
A. (DeWan) Not from this photograph.

Q. Okay. Let's try one more slide. We may nail this down.

Okay. This is Slide 71. It is a picture of -- so what seems to be depicted here?

A. (DeWan) This is what appears to be a ledge outcrop with a pile of cut stones on the right-hand side of it and partially on top of it.

Q. And what would you associate with that?

A. (DeWan) It could have been any number of things. It could have been an old bridge abutment.

Q. And let's look at some of those trees. Do you see a pine tree on the left and a pine tree on the right?

A. (DeWan) I do.

MS. CRANE: Okay. So let's go down a slide or two. We're moving ahead in the action, but I need the pictures. So let's go. Okay. That one doesn't -- let's see if I got the other one in there. Oh, darn it.

BY MS. CRANE:
Q. Okay. I gather you're going to resist accepting my assertion that --

MS. CRANE: Let's go to the pictures that I was present when they were taken, where the pine tree... okay.

BY MS. CRANE:

Q. Would you accept my assertion that that is in fact at Sawhegenet Falls?

A. (DeWan) I know this is at Sawhegenet Falls, yes.

Q. This is at Sawhegenet Falls?

A. (DeWan) Yeah, I believe this is an enlargement of our photograph, or it looks similar to one that's in our photographs.

Q. And there is stone, that appears to be cut stone consistent with this being an old bridge abutment in this photograph at Sawhegenet.

A. (DeWan) As I said, this appears to be taken at Sawhegenet Falls. It's similar to the photograph we have on Page 4-8 in our VIA.

Q. Okay. And thank you for identifying the picture that I thought I had and don't.

And so if there is an old bridge
abutment there, would that count as human
development, for the possibility of getting
positive points for positive human
development?

A. (DeWan) That depends on how visible it was.

Q. Is that actually all it would depend upon,
how visible it was? Wouldn't it also depend
upon the expectations of the people using the
place and the understanding of the
significance of the people who are using it?

A. (DeWan) That depends on sort of the
interpretation that was presented once they
got down there, people's sense of what to
expect when they arrive at the place. I
would...

Q. And did you ever discuss this location with
anyone?

A. (DeWan) No, we did not.

Q. No, you did not. If you did try to ask
someone, who would you ask?

A. (DeWan) Well, I think the first thing we
would do is consult with the local historical
society. Before that, we would probably look
online to see what references there were
Q. Did you talk to the local historical society?
A. (DeWan) We did not.

Q. You did not. Did you look online to try to identify what this pile of rocks was?
A. (Kimball) No.

Q. No. Okay.

MS. CRANE: Let's go back to the post card.

BY MS. CRANE:

Q. And would you accept my assertion that that is in fact a bridge over Sawhegenet Falls?
A. (DeWan) I have no way of telling where it was.

Q. I'm asking you to accept my assertion.
A. (DeWan) For purposes of this discussion and to move the discussion along, yes.

Q. And if it were the bridge over Sawhegenet Falls that left those rocks that are now still visible both in the middle and on the far shore, would that affect your assessment of positive human development at this location?
A. (DeWan) Probably not. Just looking at the
photograph, the average person going down there would see those rocks, and I don't think they would have any appreciation of the history of the area based upon the evidence that is before them.

Q. So there would be no positive human development points for this?

A. (DeWan) As I said, we do not assign any points at this location.

Q. And if you were aware that this were the structure, would there be any positive human development points available?

A. (DeWan) If the structure -- if there's more of a structure there, perhaps. But we didn't feel that that would qualify as a modification that added favorably to the visual quality of the area. Those appear to be a pile of rocks, just like there are a lot of other rocks and other natural elements in the landscape.

Q. So why were you guessing it was a bridge abutment when we first started looking at the pictures?

A. (DeWan) You develop a certain instinct for
these things when you see large rocks in the
middle of rivers and you see what appears to
be, you know, remnants on either side or
perhaps on the middle.
Q. And you do not expect people who kayak and
canoe and tube on rivers to understand that
as well?
A. (DeWan) They may.
Q. Okay. I think we've done enough here.

MS. CRANE: Next picture. No,
next.

BY MS. CRANE:
Q. Okay. And now we are going to the bottom
line. The arrow, could you read the bullet
point at that arrow?
A. (DeWan) The first one? "Limited or no
visibility during leaf-off [sic]
conditions," is that the one?
Q. Please read it correctly. Thank you.
A. (DeWan) "Little [sic] or no visibility during
leaf-on conditions" --
Q. Okay. Thank you.
A. (DeWan) -- "due to mixed vegetated buffer
along the Pemigewasset River."
Q. And the next bullet point.

A. (DeWan) "There may be filtered views of one or two of the transmission structures through the trees on the eastern bank of the river during leaf-off conditions."

Q. Thank you.

Next slide. Do you recognize the material presented on this slide?

A. (DeWan) That is correct.

Q. And it is part of your report's assessment of Sawhegenet.

A. (DeWan) That is correct.

Q. Okay. And could you tell me a little bit more about what the red arrow designates?

A. (DeWan) We wanted to determine the effectiveness of the existing vegetation on blocking or screening the views to the proposed project, and we wanted to find out if it would be possible to see the proposal above the tree line. So this is a typical cross-sectional diagram that we use, assuming a person is on the opposite shore of the river looking up into the sky and their eyesight would be skimming the tops of the
trees, where would that line lead you relative to the top of the proposed structure.

Q. And where does the sight line begin?
A. (DeWan) Sight line begins at a point about 5 feet above the river bank.

Q. Five feet above the river bank?
A. (DeWan) Eye height.
Q. Huh?
A. (DeWan) Eye height.

Q. Eye height. And did you take any other sight lines from this location?
A. (DeWan) We did not.

Q. If the only sight line you took from the location was at the water, why wasn't this just part of the river evaluation?
A. (DeWan) Well, we looked at it in three dimensions on the computer, and we were able to walk around and do an evaluation that way. We also recognize that the point, if it was to be visible, the point where it would be most visible would be along the shoreline where there wasn't any vegetation obstructing your view over to the eastern shoreline.
Q. And so you never considered what the sight line would be further up.

A. (DeWan) We considered it, but we felt it was very difficult to look through those trees to gain visual access to the other side of the river.

Q. Okay. Through those trees. So you're counting on the vegetation.

A. (DeWan) The vegetation around the falls park area.

Q. Around, okay. And so you're also, if I'm reading this depiction correctly, counting on, at least from the water level and perhaps from a little bit above the water level, the trees on the east bank?

A. (DeWan) That is correct.

Q. That is correct. Okay.

And just because I don't understand it and I don't want you to have to correct me, can you read the language in the blue oval?

A. (DeWan) "Vertical exaggeration is used in section."

Q. And could you tell me what that means?

A. (DeWan) That means we made the trees and the
transmission structure more prominent by
exaggerating the vertical scale.

Q. Tell me exactly what that involves. I'm
confused, because what would be the point of
not showing this in an accurate way?

A. (DeWan) Well, we could have done it that way.
It's just a little bit easier way of looking
at the relative differences between
existing -- between a viewpoint and the other
objects in the landscape.

Q. So what would it look like? How would it
change if it hadn't been exaggerated?

A. (DeWan) Think of the drawing as being this
big (indicating). It would have been
compressed about like that (indicating).

Q. Okay. So everything looks taller than it
actually is.

A. (DeWan) That's right. It wouldn't have
changed the outcome.

Q. Okay. Thank you.

Next slide. And do you recognize this
picture? It's already been part of the
Ashland to Deerfield Non-abutters Exhibit 29.
It's got a Bates Stamp of NPT DIS045441?
A. (DeWan) I do recognize it.

Q. What does it depict?

A. (DeWan) If I recall, this is looking directly across the river from where we've taken a lot of the photographs.

Q. And these are in fact the trees that you were counting on obstructing the view of the towers from the water; is that correct?

A. (DeWan) Those are the ones we described, yes.

Q. Okay. Next slide. And this is Slide 75, Bates stamped NPT DIS045465. If you could tell me what this is?

A. (Kimball) Sure. This is a representation of the Intermap data that I described a little earlier. And the colors represent the vegetation height, or the difference between the digital terrain model and the digital surface model. So this is a representation of the data that I described that we used to do our viewed mapping.

Q. And this is the same data that the smallest unit of resolution is 5 meters by 5 meters?

A. (Kimball) That's correct.

Q. And how many meters from the river would you
guess from this picture the vegetation buffer ends?

A. (Kimball) I don't have a scale on this map.

I can measure it through --

A. (DeWan) Which vegetation are you talking about at this point?

Q. I'm talking about the same vegetation we were looking at across the water in the prior slide, the vegetation that I believe, and correct me if I'm wrong, you are counting on to be blocking the view of the user at the water level at Sawhegenet of the transmission towers in the field immediately across the river from Sawhegenet.

A. (Kimball) The narrowest point, maybe 150 feet. I don't know what that is in meters.

Q. A hundred and fifty feet? Okay.

MS. CRANE: Could you find a Google Maps picture of this? I think there's one close by.

(Pause)

A. (DeWan) We just did another couple of measurements. The range is between 120 and
150 feet. Roughly half the distance of a football field.

BY MS. CRANE:

Q. A third of the distance of a football field with the end zones on it; right? Okay.
   So let's go back. Sorry. And does the Applicant have control on whether those trees continue to exist?

A. (DeWan) No, they do not.

Q. And what might happen to those trees?

A. (DeWan) They would continue to mature. The smaller trees that are within the shadow of those trees would continue to flourish. They would grow up. After trees die, they would probably be replaced by other trees that are in the riparian zone.

Q. But that landowner, if he chose to develop a campground, for instance, could cut those trees, could he not?

MR. NEEDLEMAN: Objection. That actually calls for a legal conclusion.

CHAIRMAN HONIGBERG: Ms. Crane.

BY MS. CRANE:

Q. Are you assuming that those trees will not be
cut?

A. (DeWan) We are assuming that, knowing what we know about New Hampshire law about dealing with vegetation and buffer zones.

Q. And what is that law?

A. (DeWan) I could not quote it for you. I know we've had situations where we --

Q. Well, let's go to the next slide.

MS. CRANE: Oh, wait, not the next slide. Keep going, keep going. There we go. That one.

BY MS. CRANE:

Q. Okay. Can you spend a second with this and refresh your memory about what those limitations are?

A. (DeWan) I'm sorry. I didn't hear the first part of that question.

Q. Take a minute until you can refresh your memory about what those limitations are.

(Witness reviews document.)

A. (DeWan) Talks about 150-foot-wide protective vegetative buffer, which is the case right here.

Q. And what can the landowner do within that
buffer?

(Witness reviews document.)

A. (DeWan) "Property owners must operate in accordance with the guidelines below. The first 50 feet..."

Q. Would you like to see the "guidelines below," or is your memory refreshed yet?

(Witness reviews document.)

A. (DeWan) From what I see here, looks very similar to our shoreland zoning ordinance that we operate under in the state of Maine.

Q. And what are you assuming -- assuming we could see what is for some reason not quite visible, what are your assumptions about what that limitation would be?

A. (DeWan) If it's comparable to the state of Maine, there's a real emphasis on maintaining quality buffers between development and waterfronts. And they do allow a certain amount of cutting in certain parts of the riparian zone, but the intent is to maintain a visual buffer.

Q. Well, let's read New Hampshire's rule then. Let's back up and identify my source here.
MR. NEEDLEMAN: Mr. Chair, we object. The Shoreline Protection Act is state law that speaks for itself. We'll stipulate to what it requires.

MS. CRANE: And may I then state what it requires?

CHAIRMAN HONIGBERG: For what purpose is all this, Ms. Crane? Honestly. What is the endpoint of this that you're going to argue at the end based on all this?

MS. CRANE: Well, this is just one of several places where I'm going to point out that the assumption that the vegetation is static and will remain static or become -- or increase is inappropriate for these locations.

CHAIRMAN HONIGBERG: Wow. Okay.

MS. CRANE: Okay.

CHAIRMAN HONIGBERG: So what's the Shoreland Protection Act provision that you need to read into the record?

MS. CRANE: The Shoreland Protection Act provision that I need to read into the record is that the landowner is entitled, for every 50 feet of shoreline, back
50 feet from the shoreline, to cut as many
trees as he or she can and still have enough
points on the point system. And let's go look
at what's -- hang on. Let's --

CHAIRMAN HONIGBERG: Whoa, whoa,
whoa.

MS. CRANE: We'll look at the
point system in just a second.

CHAIRMAN HONIGBERG: So you're
just going to meander through testimony about
the Shoreland Protection Act, or are your going
to read a provision of the Shoreland Protection
Act like you said you were going to?

MS. CRANE: I'm going to read
this summary of the Shoreland Protection Act.

CHAIRMAN HONIGBERG: No, you're
not. No, you're not. You're not reading any
summaries. You're not. You said you wanted to
get the Shoreland Protection Act into the
record. You wanted to read something into the
record. You can do that.

I'm sorry for going too fast.
You can do that. But you're
not reading summaries into the record. I
don't know what the source of that summary
is. I don't know what --

MS. CRANE: Let's go -- can I --

CHAIRMAN HONIGBERG: I don't

know what you're doing, and I'm not sure you do

either.

MS. CRANE: I most certainly do.

I'm sorry. Can we go back one

slide?

BY MS. CRANE:

Q. Mr. DeWan, could you read the title of this
document?

A. (DeWan) "Vegetative Maintenance Within the

Protected Shoreland."

Q. And who is offering this advice about

vegetative maintenance?

A. (DeWan) Appears to be coming from the New

Hampshire Department of Environmental

Services.

Q. And the date?

A. (DeWan) 2013.

Q. Okay. And let's go back, and let's go all

the way to the point system.

MS. CRANE: Three more slides.
MR. NEEDLEMAN: Mr. Chair, I object. Mr. DeWan testified several hours ago with respect to this questioning that he recognized in his report that there may be places where people on private land can cut trees. He's acknowledged that.

MS. CRANE: But he did not acknowledge it in his assessment of this view.

CHAIRMAN HONIGBERG: He's acknowledged it on the record. Do you want him to do it again? He'll do it again.

BY MS. CRANE:

Q. Mr. DeWan, did you acknowledge the fact that this landowner could cut without regard to its effect on visual impact, either of his own or of the views from across the river without -- that he could cut without regard for the visual impact?

A. (DeWan) My understanding of the situation is that if a person wanted to cut trees in this area, they would have to do it under the provision of the currently applicable law in the state of New Hampshire, which, as I understand it, includes consideration of the
effect that cutting in these situations may
have on the quality of the visual buffer that
is presently on the property.

Q. Okay. Let's look at the points.

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: Sustained.

BY MS. CRANE:

Q. Mr. DeWan, are you aware that if the
landowner can leave four trees with a
diameter of more than 12 inches --

MR. NEEDLEMAN: Same objection.

CHAIRMAN HONIGBERG: Sustained.

BY MS. CRANE:

Q. -- he will be allowed to cut?

CHAIRMAN HONIGBERG: Calls for a

legal conclusion.

BY MS. CRANE:

Q. What were you using as your assumption about
the number of trees that this landowner could
cut?

MR. NEEDLEMAN: Objection.

Asked and answered. He didn't have a specific
assumption. He acknowledged the provisions of
the law that may allow cutting.
MS. CRANE: And what was his understanding of those provisions?

A. (DeWan) My understanding is that the landowner would have to follow current policy and regulations by the Department of Environmental Services.

BY MS. CRANE:

Q. Let's go back. I may be able to capture my point on...

(Pause)

Q. So, in order to come to the conclusions that you came to, you had to assume that the landowner would not be able to cut more than the Shoreland Protection provisions require or allow; is that correct?

A. (DeWan) That's an assumption made throughout the entire document, that laws are there to be followed.

Q. Okay.

MS. CRANE: Let's go ahead two more slides just for fun. No, one more. One more.

BY MS. CRANE:

Q. Can you tell me what that document is?
A. (DeWan) Appears to be a "Guide to New Hampshire Timber Harvesting Laws."

Q. And can you tell me what the source is for this? We are now on Slide 83.

A. (DeWan) It appears to be -- when you say "the source," University of New Hampshire Cooperative Extension.

Q. And what does the first sentence say?

A. (DeWan) "Surface Water Quality Protection Act (SWQPA) formerly known as the Comprehensive Shoreland Protection Act, was enacted to help protect the water quality of New Hampshire's surface waters."

Q. And does that mention anything about visual buffer?

A. (DeWan) That sentence does not.

Q. Okay. And could you read the sentence that begins with "according"?

A. (DeWan) "According to RSA 483-B:5-a II, timber harvesting is exempt from SWQPA regulations."

Q. So it is -- have you taken this rule into account in your assessments of vegetative buffers?
A. (DeWan) We did not take this particular rule into account. I think we did our work with the assumption that any clearing, any harvesting would be done in accordance with New Hampshire law.

Q. And what does New Hampshire law appear to be from your reading of this document?

A. (DeWan) I have not read this document.

Q. You just read this document.

A. (DeWan) I read one sentence out of this document.

Q. Okay. Then take your time and read the rest.

A. (DeWan) When you say this, this is a very extensive guide to New Hampshire laws --

Q. I'm sorry. Just the next paragraph.

MR. IACOPINO: Professor Crane, are you trying to indicate that the Shoreland Protection Act does not reference visual or aesthetics? Is that where you're going with this?

MS. CRANE: That was one of the places that I had hoped if we could have scored --

MR. IACOPINO: Have you read RSA
483-B:2, which sets forth the reasons for the Shoreland Protection Act, which includes to promote wildlife habitat, scenic beauty and scientific study?

MS. CRANE: I think I have. But I don't --

MR. IACOPINO: Okay. I just wanted to make sure.

MS. CRANE: Okay. I am not pretending that the law doesn't include -- and now I'm addressing the objection. I'm not trying to build a question for him.

MR. IACOPINO: I only ask the question so that the Committee understands what's going on. Because that's what I thought you were trying to do, and I just don't see that in the purpose of the law. But --

MS. CRANE: But there's an enormous exception for commercial logging. So the compromise has been made in favor of commercial logging. Commercial logging does not include pulling out stumps. Commercial logging does not include --

MR. NEEDLEMAN: Objection.
Ms. Crane is now testifying.

MS. CRANE: Well, unfortunately, you are correct. I am conflicted here because I have a dual role as someone with personal knowledge, but also you were the one who was objecting to allowing more to be developed in the record about --

CHAIRMAN HONIGBERG: We're going to take a ten-minute break and let Ms. Crane settle out here and give her a chance to review her notes and do a nice, crisp, efficient examination of this witness so we can be done. We'll be back in ten minutes.

(Brief recess taken at 2:47 p.m., and the hearing resumed at 3:05 p.m.)

CHAIRMAN HONIGBERG: Ms. Crane,

you may continue.

BY MS. CRANE:

Q. Okay. We were talking about the analysis of the impact of the proposed project on the identified scenic resource, Sawhegenet Falls, in Bridgewater; correct?

A. (DeWan) That is correct.

Q. And we are again looking at your analysis of
the sight lines from the water; is that correct?

A. (DeWan) From the viewpoint about 5 feet above the water.

Q. About 5 feet above the water. I'm sorry.
   And in this depiction, the red line goes entirely above the vegetation; does it not?

A. (DeWan) That's correct.

Q. But your conclusions suggest that there will be a filtered view. Why would this line go above the vegetation when your conclusion is that there will be a filtered view?

A. (DeWan) Well, this is a cross-sectional diagram created to evaluate the effectiveness of the massive vegetation on the other side. We didn't know how close the transmission corridor was to the river relative to the viewpoint across the way. This is just an easy way to let us know, and therefore let reviewers know, how that relationship worked; in other words, how close would the transmission line have to be to the river if it were to be seen. As we can see from this, it would have to be roughly 800 feet closer
to the river before you'd be able to see the

top of it.

Q. If these trees did not provide only a
filtered buffer; correct?

A. (DeWan) What I just explained was, yes, if
the trees were there, you know, and if the
line was 800 feet closer, then at that point
you'd be able to see the tops of it. If the
trees remain in place during the leaf-off
conditions, you may be able to see filtered
views of one or two structures at a distance
of roughly 1800 feet.

Q. Did you provide any pictures of leaf-off
views at this location?

A. (DeWan) We did not. We did not visit it
during leaf-off conditions.

Q. So we really don't know how much of a filter
those trees would provide in a leaf-off
condition; is that correct?

A. (DeWan) Well, we can assume that 150 feet of
vegetation is going to provide a pretty dense
stand of vegetation.

Q. I'm sorry. I'm confused. I thought you
already had concluded that there would be
filtered views.

A. (DeWan) We did, yes. But filtered views means you're not going to see the entire structure; you may see portions or parts of it.

Q. And if one were just looking at this cross-section, what part of this cross-section helps you interpret that?

A. (DeWan) It's not designed to evaluate filtered views.

Q. Okay. Thank you. So this actually doesn't represent the view in any meaningful way. It represents your first step in analyzing it, but --

A. (DeWan) Well, it is meaningful, in that it shows you that during the majority of the time when the site is being used during leaf-on conditions, you're not going to see the structures.

Q. I'm sorry. Why are you assuming that the majority of the time that this total area is being used is in leaf-on conditions?

A. (DeWan) Just the assumption from looking at the types of facilities that are there. You
know, a small beach, a picnic area, our assumption was that people would go down there to recreate along the river, provide access to it, perhaps swim along the river. I didn't say that was the only time.

Q. Would the presence of a snowmobile trail alter that conclusion about the lack of use in leaf-off conditions?

A. (DeWan) I didn't say anything about lack of use in leaf-off conditions. I said that the majority of the use probably occurs during leaf-on conditions.

Q. Do you know that?

A. (DeWan) Don't know it for a fact. But, you know, knowing my experience in other similar situations, especially with snowmobile use, the snowmobile going through here on the trail that you showed earlier says to me that a snowmobile is going to be passing through here. I don't know if there's any rest stop or campground or anything else associated with the trail.

Q. Okay. So it's a matter of duration of stay as opposed to number of visitors or anything
like that is what your assumption is based on.

A. (DeWan) That's right. That's one of the things that's asked for in the rules.

Q. Okay. So if I want you to assume for purposes of the question that the landowner can cut as many trees as she might want to, as long as she leaves 4 that have a diameter of at least 12 inches -- do you understand that assumption?

A. (DeWan) Four within a 50-by-50-foot square.

Q. Within a 50-by-50-foot square. If the landowner of this buffer were in fact to cut to this maximum assumed limit, would it change the nature of the filter that you are relying on in your overall assessment of the impact here?

A. (DeWan) Well, if that cutting had occurred prior to or at the time that we did the assessment, and we could see what the cutting would look like, then it may have changed the result. But our assignment was to take a look at existing conditions. And in doing so, we evaluated the way things look like
right now. We don't take into consideration potential cutting that may or may not happen. Likewise, we don't take credit for any additional vegetation growth that may occur that may actually block the structures at some point.

Q. And so your position is that the existing condition does not include the probability of any change in the vegetation besides normal maturity and decline.

A. (DeWan) Common professional practice is to take a look at existing conditions and do an evaluation on what is known about the existing landscape. If we knew for a fact that there was going to be harvesting, that may be a different situation.

Q. If you knew for a fact that there was going to be harvesting, that would be a different condition. Is that what you just said?

A. (DeWan) That's right.

Q. Okay. Thank you.

So let's go to -- and what other reasons besides cutting might threaten this buffer that you're relying on?
A. (DeWan) That be very speculative on our part. Any number of reasons that could cause a -- oops.

Q. Jumping ahead.

A. (DeWan) Any numbers of reasons that could cause the loss of trees. Natural mortality, for example. But as I said earlier, if a tree dies, that creates light in the forest and allows more trees the opportunity to grow.

Q. But we're talking about a 150-foot buffer that's already too thin to provide a completely blocked visibility; right?

A. (DeWan) No.

Q. We're not talking about --

A. (DeWan) No. One hundred fifty feet, that's certainly adequate to provide a blockage of visibility during leaf-on conditions.

Q. Even though it's -- okay.

And so what else might happen to these trees? This is Slide 76. Can you just describe what has happened in this photograph?

A. (DeWan) I don't know exactly what happened.
But in similar situations where I've seen slumpage occur in some areas, this is sometimes the result of that, where a piece of earth has moved from an upper portion of an embankment down to a lower portion of the embankment.

Q. And would you accept my assertion that this is made on the west bank of the Pemi, only a couple dozen yards from Sawhegenet?

MR. NEEDLEMAN: Objection. Relevance. The witness has testified multiple times about the fact that they looked at this based on existing conditions and that they don't account for changes, either positive or negative, in the future. So I don't understand the need for these questions.

CHAIRMAN HONIGBERG: Ms. Crane.

MS. CRANE: I am trying to establish whether that's an appropriate approach to the definition of "existing conditions" in these circumstances.

CHAIRMAN HONIGBERG: Well, establishing appropriateness or not isn't something you're going to do with this witness.
You're going to do that as a matter of law in argument to us. You can find out what he did and why he did it, and you can disagree with him when it's appropriate to do so.

BY MS. CRANE:

Q. Okay. So, then, Mr. DeWan, you did not take into account erosion along the banks of the Pemi in assessing the adequacy of the visual buffer here.

A. (DeWan) As I stated, we looked at existing conditions. We recognized in some places there was some erosion. You can see that in places.

Q. And we are now looking at the Sawhegenet location again, this time from the north. Would you agree with that?

A. (DeWan) Yes.

Q. And there seems to be an incomplete buffer there just to the left of the leaves that are really close in the foreground here that you can see through those trees?

A. (DeWan) I can see there's a place where you can --

Q. We don't know what you could see, but --
A. (DeWan) Looks like you can see more of the sky in some places, which is typical throughout the entire riparian zone there.

Q. And what do we see in the foreground?

A. (DeWan) I see a dead log in the river.

Q. And in the middle of the picture, on the left?

A. (DeWan) Middle of the picture, on the left, I see, oh, another looks like a tree that may have floated down from upstream.

Q. And in the immediate foreground on the left?

MR. NEEDLEMAN: Objection. Relevance.

CHAIRMAN HONIGBERG: Ms. Crane.

MS. CRANE: I'm hoping to ask him whether, if similar erosion happened closer to the location, it would affect the adequacy of the buffer.

CHAIRMAN HONIGBERG: Okay. That sounds like a fair question.

BY MS. CRANE:

Q. If similar erosion happened closer to the buffer, would it affect the adequacy of the buffer?
A. (DeWan) It may cause an opening in the buffer. And as I've said before, that would then have the effect of allowing more light to enter the ground plain, thus allowing some of the young trees to achieve a higher rate of growth.

Q. Okay. Thank you. Let's move on.

And we are now looking at Slide 78, Exhibit 52. Can you read what the handwritten notation says?

A. (DeWan) "Webster Road toward bridge after tornado, September 22, 1938."

Q. And do you know what happened on September 21st and 22nd, 1938?

A. (DeWan) I don't. But I would just surmise from the caption that there was a violent windstorm, perhaps even a tornado.

Q. And will you accept my assertion that Webster Road is a footpath now running north/south on the west bank of the Pemigewasset?

A. (DeWan) I will accept that.

Q. And that if a similar natural occurrence were to happen, there would be a likely loss of trees in the buffer that we haven't yet
talked about on the west side of the river?

A. (DeWan) I suppose there's a remote possibility of that happening, knowing how often tornadoes hit this part of the northeastern part of the United States.

MS. CRANE: Okay. We don't need this, don't need this. And I'm going to skip over these and go straight to the top of the road. Oops. No. Back one.

BY MS. CRANE:

Q. So can you tell me again what this picture from your analysis depicts?

MR. NEEDLEMAN: Objection.

Asked and answered.

CHAIRMAN HONIGBERG: That is true.

BY MS. CRANE:

Q. Then can you read the caption, which I don't believe we've done?

A. (DeWan) "Beech Road leading down to the parking area. Recreation area is restricted to Bridgewater residents. There will be no views of the Project from Beech Road."

Q. And on what are you relying in concluding
that there's no views of the Project -- that there will be no views of the Project from Beech Road?

A. From our observations taken at the time that we visited the site.

Q. And what was the reason for there being no views?

A. (DeWan) The dense vegetation consisting of a mixture of some deciduous and a lot of softwood vegetation.

Q. And that softwood vegetation is currently in what form?

A. (DeWan) Tree form.

Q. Huh?

A. (DeWan) Tree form.

Q. Tree form. Pine tree form.

A. Pines, hemlocks, furs, other --

Q. Oh, I hope there's a lot of hemlock in there, yeah.

Okay. And if the landowner were involved in a commercial tree farm, would there be any restrictions on this landowner's ability to remove this buffer?

A. (DeWan) When you say "this landowner," are we
Q. I'm talking about the owner of the trees.
A. (DeWan) Of these trees?
Q. Of these trees.
A. (DeWan) I don't know if this landowner is part of a tree farm or not.
Q. Okay. But if they were, if this landowner were --
A. (DeWan) I would suspect if this was a tree farm and for some reason they wanted to remove those trees, they probably could be done under whatever laws would govern tree removal in this type of environment.
Q. Okay. Now, moving on. No, let me ask one more question.
You did no other visual impact assessments from any other elevation or location along River Road in Bridgewater; is that correct?
A. (DeWan) I don't believe we did.
Q. Okay. And will you accept my assertion that this is a picture taken essentially from the entrance to Sawhegenet, looking at the other side of the road?
(Witness reviews document.)

A. (DeWan) I will take that statement. Yeah, I have no way of verifying it.

Q. Okay. And if you were doing your field work looking for other potential scenic resources, what would your reaction to this scene be?

A. (DeWan) I would say this looks like a typical woodland that we found throughout much of our field evaluation. And I see an access road going off at right angles to an existing, what may have been a gravel road at one point. The fact that there's a bar across it implies a message that the public's not welcome here.

Q. It implies that they might not be welcome. But are they legally entitled to access?

MR. NEEDLEMAN: Objection.

BY MS. CRANE:

Q. Would you assume that they, the public, would have legal access here?

A. (DeWan) I would assume that there would not be legal access that we're looking for when we've done the type of evaluation we've been doing here.
Q. And again I know this has been covered, but I would like you to just summarize your assumptions about what "public access" means for these purposes.

MR. NEEDLEMAN: Objection.

Asked and answered multiple times.

CHAIRMAN HONIGBERG: If you can just get us to a quick recap to move along.

A. (DeWan) "Public access," to us, is a right that's granted to the general public that allows the public to go onto a piece of property without being questioned.

Q. Public access allows you to go on without being questioned. So if I were to go to a state park and jump the wall and not pay admission, I wouldn't be questioned. Would I be questioned?

A. (DeWan) With any definitions like that, there are subtleties, of course. There has to be some provision for allowances for circumstances that protect public health, safety and welfare. The state park, for example, they have rules that say you shall not go there at night.
Q. And they also have rules that require you to pay admission; is that correct?

A. (DeWan) That's correct.

Q. And they are no less a scenic resource because they charge admission; is that correct?

A. (DeWan) It's a totally different situation than a commercial operation that we talked about earlier.

Q. Why?

A. (DeWan) I think, you know, in doing the work we did, we relied upon a lot of thought. And we also looked at precedent that may be before us right now. We know in the case, for example, with the Antrim Project, you know, there is a consideration for a similar situation where there is a facility on a body of water that was accessible to the public. You could walk down there, but you had to pay a fee to get in there. It's our understanding that it was the judgment of the body we're before right now that that did not constitute public access because it required an individual or group of people to pay a fee.
to get down there and use that particular facility.

Q. Thank you.

Okay. Let's go to the next slide. And can you tell us what appears on Slide 88?

A. (DeWan) It's a dense woodland with a red sign that I cannot read. Maybe it says "prohibited." I'm sorry. I can't read that.

Q. It does say "prohibited." And can you make out what is prohibited?

A. (DeWan) I can't.

Q. Would you allow me to assert that it is a picture of an ATV and a picture of a mountain bike?

A. (DeWan) I will assume that's correct.

Q. And would you allow me to assert this is, in fact, where the snowmobile trail that we saw on an earlier picture comes up onto the River Road level?

A. (DeWan) I have no reason to doubt that.

Q. Okay.

MS. CRANE: Let's go. We don't need this one. We don't need this one. We don't need this one. And this one's fun, but
let's keep going. No, keep going, keep going.
We'll come back if we feel we have time. Go,
go, go.

BY MS. CRANE:

Q. Okay. And you didn't take any impact
assessments of any areas along River Road or
of any of the elevated areas above River
Road; is that correct?

A. (DeWan) We did not do a formal visual impact
assessment except at those locations shown in
our VIA.

Q. And that was because you didn't identify any
scenic resources in those areas. Is that
likely correct? Indeed, I think that we
established a few hours ago that you didn't
even identify any possible areas of impact in
the elevations above River Road in the area.
You were going to --

A. (DeWan) Oh, I'm sorry. You were looking at
the viewshed map that you showed us before
and asked us if there's anything on those
slopes above the River Road and another road.

Q. That's correct.

A. (DeWan) We did not go up into those secondary
roads that were up there.

Q. And why?

A. (DeWan) They're not scenic resources.

Q. They're not scenic resources. Is a snowmobile trail a scenic resource?

A. (DeWan) We identified snowmobile trails in general as scenic resources. We've included those in our evaluation.

Q. Did you assess the views from any particular locations in snowmobile trails?

A. (DeWan) For the most part, we did not.

Q. So you're including them as scenic resources but not evaluating views. Is that what I'm -- what you're saying?

A. (Kimball) They were identified and described in the list of scenic resources. Generally, the assignment of "low" cultural value was assigned to snowmobile trails, which filtered them out to before receiving a formal assessment like we saw at Sawhegenet Falls.

Q. Okay. Let's keep going.

And did you include bike trails in your identification of scenic resources?

A. (Kimball) We included rails-to-trails that
are bike trails.

Q. And we are looking at Slide 99 now. Can you help me with what this is?

A. (Kimball) Looks to be a map of recommended bike routes.

Q. And the route that has "132" on it, that's the route number -- that's the street -- the road level. Can you identify any of the features within the route defined by the loop that is the smallest loop you can make that includes the 132?

A. (DeWan) I'm not sure I understand what you mean by "features."

Q. Well, unfortunately, the contrast is bad. But there's a river and a conservation easement that have been part of our earlier slides. Will you accept my assertion that this loop runs from along River Road on the west bank of the Pemi?

A. (DeWan) It's not labeled as such, but I will accept that. I see it goes through a bus station down at the lower portion of it, and it is located either side of Interstate 93.

Q. Actually, I think that's a Park & Ride. But
that's okay.

Did you include this as a scenic resource in your analysis?

A. (DeWan) We looked at the designation of bike routes. And bike routes, as I understand them, are the roads. Our understanding was that the bike routes were designated as transportation, part of the transportation infrastructure, not because they were necessarily scenic routes.

Q. Okay. So it was your assumption that they were not necessarily of scenic quality. Is that --

A. (Kimball) No. When looking at Section 102.45, the definition of "scenic resources," bike routes or transportation corridors are not listed as a potential scenic resource.

Q. So they can't be scenic resources, or they're just not required to be identified?

A. (Kimball) They don't meet the definition of "scenic resource."

Q. Because? I'm sorry. Could you read the language again?

A. (Kimball) 102.45?
Q. Yeah.
A. (Kimball) Scenic resources --
Q. The one that includes trails.
A. (Kimball) "(d) Recreational trails, parks, or areas established, protected or maintained in whole or in part with public funds."
Q. And what does "trails" mean?
A. (DeWan) Trails, to me, implies that there is an off-road facility for walking, ATVs, snowmobiles, bicycles and some other use separate from a roadway.
Q. Okay. So, even though the state is maintaining a web site informing those who want to find bicycle routes, those bicycle routes wouldn't count as scenic resources, as long as they are not separately located.
A. (DeWan) I'm sorry. This is labeled as a "route," not as a "trail."
Q. Okay. Thank you.

MS. CRANE: Move on. Move on. And I guess we better move on. That's my morning light entertainment, and it's falling flat. Keep moving. So I guess roller blading wouldn't count either, or roller skiing. Let's
keep going. Good.

BY MS. CRANE:

Q. Okay. And did you happen to drive south on River Road from Sawhegenet?
A. (Kimball) Yes.

Q. And did you notice this view as you drove by?
A. (Kimball) I'm sure we passed it.

Q. And part of your field work, you were attempting to identify other scenic resources that might not have been designated. Is that the summary of your testimony over the last couple days?
A. (DeWan) That's one of many reasons why we did the field evaluation.

Q. And did you take any notes on this location?
A. (DeWan) I don't believe we did.

Q. What would you be looking for if you were looking for new places to identify?
A. (DeWan) Well, looking for places that had expansive views, a variety of different land forms, the views of water, interesting vegetation, things of that nature.

Q. So you're only looking for the views. You're not looking for the view -- for the
observation points when you're doing your
field work.

A. (DeWan) Well, we look for any number of
different aspects of the landscape.

Q. Okay. But you did not notice this view in
particular.

A. (DeWan) This seems to us to be a view of a
private residence. Private residences, by
definition, are not "scenic resources."

MS. CRANE: And then next slide,
next slide.

BY MS. CRANE:

Q. In the foreground there appears to be a road
next to the same private residence. This is
Slide 108. Is that correct?

A. (DeWan) It appears to be a road in front of
the residence.

Q. And in the foreground?

A. (DeWan) There appears to be a way that
vehicles have traveled. I don't know if it's
a road or driveway.

Q. Would you accept my assertion, and we'll see
it again more clearly in a moment, that
that's Cass Road, previously identified?
A. (DeWan) For purposes of this discussion, we'll go with that.

Q. Okay. In any part of your evaluation, do you take into account the historic significance of a scenic resource, either the resource itself or the views from it or of it?

A. (Kimball) We took scenic resource -- excuse me. We took eligible historic properties and historic properties on the National and State Register into account if they had a legal right of public access.

Q. But only if they had a legal right of access to the residence itself?

A. (Kimball) That's the primary item in the definition of scenic resources.

Q. But not of the landscape surrounding it, even if there's public access to the landscape around it?

A. (Kimball) The rules are very clear in several locations that it is the view from the scenic resources that we are supposed to evaluate. And I'd be happy to go into the rules to discuss that.

Q. No, we don't need that. Let's keep going.
Okay. And this is a summertime view of the same location facing west instead of south.

A. (DeWan) This is Cass Road?

Q. This is Cass Road. And while we're here --

A. (DeWan) I'm sorry. Cass Road is the dirt road in front of us?

Q. Cass Road is the dirt road in front of us.

A. (DeWan) Not the one you're standing on.

Okay. That's River Road.

Q. River Road.

And if you were to notice this road -- as I understand it, one of the things that you mentioned you took into account was whether when finding a road or a path you looked to see whether the public seemed to be -- now I'm forgetting the language you used -- but seemed to be invited rather than discouraged; is that correct?

A. (DeWan) Well, can I address this particular situation? Use this as a general example of how we did our work. Again, we're going to Section 102.45, what is a scenic resource.

And I think that's the basis of your question
right here. In addition to having public access, one of the criteria, one of the characteristics is lake, pond, rivers, parks, scenic drives and rides and other tourism destinations. So you could look at this and say, oh, it's a nice, scenic drive or ride. But the operative words right here is, is it a "tourism destination"?

We look upon this road and we see it's a gravel road. We saw it wasn't fully plowed during the wintertime. We don't see any sign out front. We don't consider this to be a tourism destination. This may be a nice country road. There may be a nice view at the top of it. We don't put this in the same category as the other well-known, well-established tourism destinations that New Hampshire is known for.

Q. So this is another place where, because there is nothing shouting "come visit me," you're assuming nobody wants to visit here, or at least it's unimportant.

A. (DeWan) I'm not saying that at all. I understand this must be a delightful place,
and a lot of people would love to go there
and visit it and maybe even enjoy the view at
the top. But what is "tourism"? Tourism to
us is the act of bringing people from
probably outside of the immediate area to
come to a location for its qualities, the
scenic quality, the recreation and so forth.
Usually, "tourism" implies some sort of an
infrastructure. It implies that there is
some sort of publicity mechanism. A
"destination" means that it's more than just
a way to get there; it's the arrival point.

Q. So, does tourism include summer residents?
A. (DeWan) I suppose it could. But again --
Q. In your analysis, did you interpret tourists
to include summer residents?
A. (DeWan) We don't think of this as being a --
well, to answer your question, do we consider
summer residents, we didn't make a separate
analysis of who lives there or why they're
there, summertime versus wintertime. I don't
know if that would apply to this particular
situation or not. But it's pretty clear to
us, though, that what we're looking at right
now is clearly not an example of tourism
destinations that are described and we have
to consider as part of the rules.

Q. But if one were to include summer residents
and tourists within the category of
"tourists" for whom tourist destinations
might be relevant, would it not be the case
that they might actually prefer places of
more limited use?

A. (DeWan) That may be true. But summer
residents to us aren't necessarily tourists.
Tourists are people that come from someplace
else to visit for the purpose of enjoying a
destination.

Q. So how long does a visit last before you're
not a tourist under your assumption?

(Pause)

Q. Please, is there an answer to the question?

A. (DeWan) I don't have a pat answer to that. I
would think that someone who comes here to
enjoy the summertime would be considered to
be a summer resident as opposed to a tourist.

Q. Okay. So you're not likely to include
destinations and the uses of destinations by
summer residents. Is that what you're meaning to say?

A. (DeWan) I think what I'm saying is that I'm looking at this, and even if there were, you know, 50 summer residents that had a camp on the top of the hill here, it would not be a tourism destination. It's not the sort of place that's going to attract people, large numbers of people that would constitute tourism in its broadest form to this location.

Q. So, large numbers of people have to use scenic resources in order for them to count as scenic resources?

A. (DeWan) Our understanding of tourism is it's more than a few people. It's some place that has a destination to it that attracts tourists.

Q. Okay. Let's move on.

CHAIRMAN HONIGBERG: Off the record.

(Discussion off the record)

BY MS. CRANE:

Q. If we hadn't gone really quickly, we would
have learned that "Noah's Shoulder" is what
the local residents call the elevations that
you previously noted to the northwest of the
intersection of Cass Road and River Road;
correct?

A. (DeWan) That's correct. Yeah.

Q. And what do you see in this picture taken
from Noah's Shoulder?

A. (DeWan) I see a farmscape with a small pond
in the middle. I see agricultural fields. I
see what appears to be a road running roughly
diagonally through the landscape. I see
indistinct hills in the background. And the
rest of it's quite blurry.

Q. And if we had dwelled longer on the
immediately prior slides, you might have been
able to recognize the structure that you see
as the farmhouse that is still present on the
property. Will you accept that assertion?

A. (DeWan) That's the Webster Farmhouse or
Webster Farm? I think we saw a sign to that
effect.

Q. Yeah, this is what we call Webster Farms,
okay.
A. (DeWan) Okay.

Q. And the pond is consistent with the maps that have labeled the pond as Webster Pond. Would you agree?

A. (DeWan) I would agree, yes.

Q. And do I gather from our immediately prior conversation that your not including Webster Pond as a scenic resource has to do with not anything about its visual qualities or ability the see it from this distance, but solely because of your assumptions about how it's used and whether it's a tourist destination; is that correct?

A. (DeWan) Not necessarily, no. When we did our viewshed analysis, it did not come up as a place where the Project would be potentially visible.

Q. Okay. And let's look at the picture a little harder. I know it's kind of blurry, but do you see the cleared area that is roughly parallel to the water that we can see about -- starting at about the middle of the photograph?

A. (DeWan) On which side of the pond are we
talking?

Q. On the east side of the pond, toward the top of the picture.

A. (DeWan) On the far side of the pond.

Q. On the left-hand side of the picture.

A. (DeWan) I think I see what you're talking about. Looks like there is scattered vegetation still in what appears to be a partially cleared field.

Q. And the little white dot that you see just above that cleared field?

A. (DeWan) I'm sorry. I see a lot of white dots here.

Q. Okay. You've got the cleared field, the first cleared field?

A. (DeWan) The one immediately adjacent to the pond or the other side of the River Road?

Q. The other side of River Road.

A. (DeWan) Okay.

Q. And then there's a little bit of tree?

A. (DeWan) Yes.

Q. And then there's a linear feature with a white dot.

A. (DeWan) I see that horizontal line that runs
a third of the way across the photograph.

Q. And what do you suppose that horizontal line to be?

A. (DeWan) A road of some sort, perhaps the interstate. I don't know the date of this photograph.

Q. Well, I don't either. But those other structures besides the big, white house burned in 1920.

A. (DeWan) That answers that question about the interstate.

Q. Or 1919. Sorry. So it's a road on the other side of the river, but not the interstate. And so from this advantage point, if this amount of vegetation were eliminated, would you think that you should be doing an assessment of whether the Project would be visible?

A. (DeWan) There's no reason to. It's not a scenic resource.

Q. And what would make it a scenic resource?

A. (DeWan) If this was a tourism destination. When you say "this," are you talking about the pond or the viewpoint that it's taken
Q. Well, I would be willing to ask about both, but I think I was talking about the viewpoint itself.

A. (DeWan) So we're at an elevated viewpoint on private property. Are we on private property now?

Q. Well, we'll just put an asterisk. This is in recreational current use right now.

A. (DeWan) So it's on private property; therefore, it's not a scenic resource.

Q. Okay. Could you summarize how much less vegetation there is in this picture than had -- no, let me go back.

Your visibility analysis did not identify this location; is that correct?

A. (DeWan) When you say "this location," I know there was one point on the map that we showed earlier that showed some visibility.

Q. That was south of Cass Road -- north of Cass Road. That's why I asked you the question.

A. (DeWan) I don't know where we are specifically to the map.

Q. So we are right next to the farmhouse. River
Road is running across the picture. Cass Road is coming toward us. It's actually not the road you can see. It's the break in the trees closer to the pond that joins River Road perpendicularly here. And your visibility analysis did not reveal any areas of potential effect in that quadrant?

A. (DeWan) Right. And that was true of a lot of visibility analysis that we did. As I said earlier, the visibility analysis, the viewshed maps are not the endpoint. It's simply a way of helping us determine where to do further evaluation. However, we never stopped there. If the visibility analysis said there's no visibility, but we had a sense that there may be an elevated viewpoint that the public had access to, we would go then to guidebooks, to descriptions online, to other resources and see if there's a description of a trail system, for example. And we found this in the several occasions where we went to places because the guidebook said there's good views here, even though those views didn't show up on our visibility
maps. We found places like that.

Q. But if they weren't in the guidebooks, you wouldn't try to look for them?

A. (DeWan) When you're looking at 192 miles, we did not -- we're not able to look at every single elevated viewpoint along there, especially on properties that were not accessible to the public.

Q. But if the Project were only 5 miles long instead of 192 miles long, you might have spent a little more time trying to identify those sources?

A. (Kimball) It still comes back to the issue of public right of access.

Q. That is not responsive to my question.

A. (Kimball) Well, it is because we would have identified it as a scenic resource and then potentially visited it if we knew there was a trail system from an elevated viewpoint. We would have identified it and explored it.

A. (DeWan) If this had been a state park, for example, we would have read the online or the available information about it, and if there was a description of a trail system offering
wonderful views off to the east, we would
have visited it.

Q. And would it make any difference if I told
you there is a designated snowmobile trail
that runs up Cass Road and it has a loop to
this viewpoint?

A. (Kimball) If that snowmobile trail exists,
it's not located in the state snowmobile
trail that we received from the state or the
recreational trail data base.

MS. CRANE: Okay. Let's just
jump forward a whole lot. Getting tiresome,
even for... Go to the trail map.

BY MS. CRANE:

Q. Okay. I just wanted to orient us on this web
page. This is the Parks and Recreation
interactive snowmobiling page. Will you
allow me to assert that? This is Slide 137
of Ashland to Deerfield Non-abutters Exhibit
52. Mr. DeWan, is that what it appears to
be?

A. (DeWan) Appears to be Slide 52 [sic], yes.

Q. And the next slide, this appears to be the
home page of the Bridgewater Mountain
Snowmobile Club. This is Slide 138. Would you agree with that?

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

Q. Okay. Let's go. I have other things to do with this picture as well. But this is one of the favorite pictures that is included in the Bridgewater Mountain Snowmobile Club's web page. It is a picture of what?

A. (DeWan) Appears to be the Route 3 bridge over the river between Bridgeton -- Bridgewater and Ashland.

Q. And what else?

A. (DeWan) And the railroad bridge in the immediate foreground.

Q. And the railroad bridge in the immediate foreground.

And I'm not going to fight with the resolution. Would you allow me to assert that the red arrow is pointing to where the transmission lines are about to cross the river?

A. (DeWan) In that general vicinity.

Q. Okay. Let's move on. And this is the state park snowmobile map. Is that what it appears
to be?

A. (DeWan) It appears to be.

Q. And I want to stop for a minute and look at the legend. The red bar indicates what?

A. (Kimball) Corridor trail system.

Q. And are you familiar enough with the trail system to be able to tell us what the designation of "corridor" means?

A. (Kimball) No.

Q. No? Even though you evaluated snowmobile trails with their scenic impact in mind and the volume of use and the duration of use was a significant part of your assessment elsewhere?

A. (DeWan) If it's similar to what we have in Maine, we have what's called an interconnected trail system. I would suspect that these are part of the network --

Q. I'm sorry. I didn't get an answer to my question.

A. (DeWan) I was trying to answer it.

Q. No. It was a "Yes" or "No" question.

MR. NEEDLEMAN: No, it's not.

Objection.
CHAIRMAN HONIGBERG: Sustained.

You want to try the question again?

BY MS. CRANE:

Q. You are not familiar with the designations on this legend and the meaning; is that correct?

A. (DeWan) I'm not familiar with the specific designations.

Q. And yet your assessment included an assessment of the snowmobile trails affected by the Project; is that correct?

A. (DeWan) That's correct.

Q. So you never analyzed the snowmobile trail system enough to know which were the heavily used routes and which weren't, because that is the distinction that is being made. I'm sorry. You never -- I'll stop with to know the difference. So you never examined it closely enough to become familiar with the difference in these designations.

A. (DeWan) We identified snowmobile trails per se and located them on the map based upon the information that we received.

Q. And you didn't try to figure out which ones were more heavily used?
A. (DeWan) We did not.

Q. Okay. Next slide. Sorry. That's just making it easier to read. This is a blow-up of the prior map. We are now on Slide 152. Could you tell me what seems to be happening right near the Interstate 93 symbol?

A. (DeWan) I'm sorry. It's somewhat of a blur on my screen. I see a green line. I see a shield that represents Interstate 93. I see an eight. I see what appears to be the interstate.

Q. And do you see where Ashland is?

A. (DeWan) I see the word "Ash."

Q. Okay. And we've looked at this same location long enough today, that it probably says Ashland. Would you agree?

A. (DeWan) No doubt.

Q. And where it says 24 --

A. (DeWan) I see a 24 there, yes.

Q. And it is leaving I-93 and the Pemigewasset River and traveling west from there. And do you recall what the terrain is like between I-93 and Newfound Lake?
A. (DeWan) I don't recall specifically.

Q. So if I were to tell you that that is going up over Bridgewater Mountain, would that help?

A. (DeWan) I would say that sounds like my distant recollection of it.

Q. Okay. So is it appropriate to conclude that the trail, the snowmobile trail marked "24" is leaving the Pemigewasset River just south of Ashland -- that would be where the Sawhegenet Park is, where we saw the trail previously -- traveling south for a few hundred yards along River Road, also where we saw in a previous slide, and then traveling west over Bridgewater Mountain? Is that a fair --

A. (DeWan) I have no reason to doubt.

Q. But you never tried to do any visual impact analysis along any of this route.

A. (Kimball) As I said, snowmobile trails were identified, then assigned a low cultural value and filtered out from a complete visual impact analysis.

Q. Okay. But snowmobile trails do afford public
access to other potential scenic resources; do they not?

A. (DeWan) That's right. And a lot of them are located within transmission corridors.

Q. But these are not; is that correct?

A. (DeWan) I don't know. I cannot tell you where these particular ones are located from looking at this map.

Q. But if there had been another a transmission corridor along this area, it would have appeared on some of the other maps we have been looking at, right, and you would have taken the fact that they existed into account when evaluating the views from those places. So would you agree that it's safe to assume that, at least going over that, the route designated 24 is probably not in a transmission corridor?

A. (DeWan) I can't make that judgment based upon the information provided in this particular map.

Q. Fair enough. And there's no information in your head about this area enough to make that conclusion either; is that correct?
A. (DeWan) That is correct.

Q. Okay. Next slide.

CHAIRMAN HONIGBERG: How many more slides are in this deck?

MS. CRANE: I can cut it down to 10 or 15. They'll be quick ones.

Okay. And we're going to skip over this one because it's the same intersection. I hadn't found the other map yet. Keep going.

BY MS. CRANE:

Q. And there's your summary of the snowmobile trail in Bridgewater, like every other snowmobile trail in the state. And this was treated as an aggregate resource, I take it, like the Pemi River itself; correct? You just had one assessment for all snowmobile trails? This slide does not represent that. This is an entry for Bridgewater.

A. (DeWan) That's right. This is typically what we looked at, you know, where's the closest point to the snowmobile trail to the Project, and we presented the distance to that.

Q. Okay. And there's very little -- there is
essentially the same entry for every
snowmobile trail within the Project corridor;
is that correct?

A. (DeWan) That's pretty much correct.
Q. Okay.

MS. CRANE: Next slide, next

slide, next slide.

BY MS. CRANE:

Q. And we are looking at the railroad bridge
again; is that correct?

A. (DeWan) Yes, we are.

Q. And did you ever consider this bridge as a
potential scenic resource?

A. (DeWan) We did. In fact, we thought about
going down to it, but on the Bridgewater side
there's a sign that said "Keep Out. Private
Property."

Q. On the bridge?

A. (DeWan) Not on the bridge. On the field that
led up to the bridge.

Q. Okay. So you didn't get a chance to get
closer to the bridge?

A. (DeWan) As close as the photograph that I
believe we took.
Q. And that's the reason why you didn't consider it a scenic resource was because you couldn't get there?

A. (DeWan) Again, does the public have a legal right of access? If we saw a sign on the property surrounding it --

Q. So the public doesn't have a right of legal access to walk across the adjoining landowner [sic] to look at the bridge, and therefore it's not a scenic resource.

A. (DeWan) Well, again, if there had been a sign that said "Public Access Way" or a pathway that seemed to lead down there, we would have taken it. We would have gone down there.


BY MS. CRANE:

Q. If you had gotten down to the bridge, may I assert that this is what you would have seen? This is Slide 155. Does it look like a regular railroad bridge?

A. (DeWan) It looks like a railroad bridge.
Q. Yeah, and what else is it? Or what else is
different from most railroad bridges?
A. (DeWan) I see two parallel lines of tracks
here.
Q. Yeah?
A. (DeWan) And I see a wooden surface on either
side of the tracks.
Q. Is that common on railroad bridges?
A. (DeWan) I've seen a lot of railroad bridges
that have some type of covering over the
ties.
Q. And why might this -- why might a railroad
bridge have covering like this?
A. (DeWan) I suppose, you know, perhaps to allow
snowmobiles to travel over it.
Q. That would be to allow snowmobile to travel
over it, yes. I believe that is why these
are here.

MR. NEEDLEMAN: Objection.
Testimony.

MS. CRANE: Yeah, okay.

BY MS. CRANE:
Q. I'll just accept your supposition that --

CHAIRMAN HONIGBERG: Just give
him credit that he made a really good guess at that? Sounds about right? We should move on.

BY MS. CRANE:

Q. Okay. Let's go. And I'm just going to ask you to read the paragraph under Requested Action.

A. "Authorize the Department of Resources and Economic Development Division of Parks and Recreation, Bureau of Trails, to award Recreational Trails Program grants to the organizations listed on the attached sheet, vendor codes included, in the total amount of $722,575.16 for the development and maintenance of recreational trails and trail-related safety and educational projects from June 1, 2015 through December 31, 2015, 100 percent federal funds."

Q. And the blue arrow is pointing towards what label?

A. (DeWan) The Bridgewater Mountain Snowmobile Club.

Q. And will you accept my -- no, let's just move on. But let's just say that the state has subsidized this club's activities in this
year.

MS. CRANE: Move on, move on.

BY MS. CRANE:

Q. Now I have a different map. And can you read the part of the legend that the blue arrow is pointing to?

A. (DeWan) It says is a parallel light green line. The label is "State of New Hampshire Active."

Q. And do you see running through essentially the heart of the map a light green line?

A. (DeWan) I see several light green lines. I see one right in the middle of it.

Q. And can you make out which towns it seems to encompass?

A. (DeWan) I can read a label that says "Concord-Lincoln Line, Plymouth and Lincoln Railroad."

Q. Thank you. So, the Plymouth & Lincoln Railroad is apparently owned by the State of New Hampshire. Does that seem to be a correct interpretation of this?

A. (DeWan) I have no idea.

Q. So the green indicates State of New
Hampshire. Legend is owner. And the stretch that is labeled "Plymouth & Lincoln" is that same green color?

A. (DeWan) Yes.

Q. Okay. And did you use this map in identifying scenic resources?

A. (DeWan) No, we did not.

Q. Did you look for any railroads to identify as scenic resources?

A. (DeWan) No, because railroads were not listed as a category of scenic resources according to the rules.

Q. Okay. This is that same bridge. The bridge is part of this rail line. Will you accept that for convenience, or do I need to go --

A. (DeWan) We're aware of the fact it's there, yes.

Q. You're aware of the fact that it's there. And are you aware of the fact that the State owns it?

A. (DeWan) I can see from this description that -- well, I don't see where it says ownership. For purposes of argument, I will assume that.
Q. I'm not arguing, I hope. I may soon, but not yet.

Next page. And what does this page depict? We are looking at Slide 160.

A. (DeWan) This appears to be a publication regarding foliage train tours.

Q. And could you read the sentence that begins at the blue arrow?

A. (DeWan) "This route is only traveled during fall foliage season, so sit back in our comfy coaches and enjoy the fall scenery. You will pass Lake Waukewan and Lake Winona, follow along and over the Pemigewasset River from Ashland to Plymouth, with stations stops along the way."

Q. And we can stop before we get to eat at the Common Man. Sorry.

Next slide. And this is Slide 161.

I've included the URL here so I don't have to go through quite as much rigmarole to identify it. But it is the home page of the Hobo Railroad. Are you familiar with the Hobo Railroad?

A. (DeWan) I am not.
Q. Did you evaluate scenic resources in Lincoln and Franconia? Never mind. I withdraw the question.

Can you read the last sentence?

A. (DeWan) "The B & M continued service as required, but heavy rains in the summer of 1973 caused several washouts north of Meredith which the B & M could not justify repairing, thus the northern portion of the line was embargoed."

Q. And the next page, a continuation of this history.

A. "In 1975, the Profile Paper Company announced intentions to reopen the mill at Lincoln, provided that rail service was available. The State of New Hampshire purchased the Concord to Lincoln trackage on October 30, 1975, repaired it and resumed service, with the Wolfeboro Railroad serving as the first of several operators. The Lincoln Paper Mill closed for good in 1977" --

Q. That's enough. Thanks. Next slide. And this --

CHAIRMAN HONIGBERG: Is there a
question about what you just had him read into
the record?

MS. CRANE: I just wanted to
confirm that the --
CHAIRMAN HONIGBERG: That he
could read?

MS. CRANE: And that the State
in fact owns the railroad. He was challenging
that when --
CHAIRMAN HONIGBERG: Do you know
if the State owns the railroad?

WITNESS DeWAN: I assume so from
that one map that she showed.

CHAIRMAN HONIGBERG: But you
don't have any other knowledge of that; right?

WITNESS DeWAN: I haven't seen
any deeds of that --
CHAIRMAN HONIGBERG: Fair
enough. You may proceed.

BY MS. CRANE:

Q. Next slide. This is Slide 164. Can you tell
me what this slide shows?

A. (DeWan) This is a clip from a New York Times
article showing a section of some river that
looks like the Hobo River along the
Pemigewasset River at some point --

Q. I'm sorry. Let's start that again. It's the
Hobo Railroad.

A. (DeWan) I'm sorry. The Hobo Railroad running
along the Pemigewasset River in New
Hampshire. It doesn't identify where along
the river this is located.

CHAIRMAN HONIGBERG: How many
more slides are in this stack? Direct answer.

How many more slides are in this stack?

MS. CRANE: Six.

CHAIRMAN HONIGBERG: Are there
any questions after you're done with the six
slides?

MS. CRANE: I don't believe so.

BY MS. CRANE:

Q. Okay. So this is the Hobo Railroad along the
Pemigewasset. It is the Pemigewasset in
Area 3, not Area 4, but I'm not sure we're
supposed to care about that.

If the railroad were a scenic resource,
would it be a single scenic resource, the
same way the river is a single scenic
resource?

A. (DeWan) I would say I would consider it the same way we've evaluated the rail trails as a scenic resource.

Q. Okay. But you didn't identify this railroad as a scenic resource; is that correct?

A. (DeWan) No, because we don't know about public right of access. I don't know if pedestrians are allowed to use this.

Q. And why would pedestrians need to be allowed to use it in order to count a state-owned, franchised train as a scenic resource?

A. (DeWan) I think we're getting into a legal argument here. You know, we've looked at legal rights of access to scenic resources, and, you know, we've considered a situation where, if pedestrians were on here, would somebody have the ability to tell them not to be there.

Q. And the train itself could not possibly be a scenic resource?

A. (DeWan) The train itself?

Q. The Hobo Railroad that runs on a seasonal basis, sharing the tracks with the snowmobile
clubs.

A. (DeWan) We have not considered the Hobo Railroad as a scenic resource.

Q. You did not consider the Hobo Railroad --

CHAIRMAN HONIGBERG: He just said that.

BY MS. CRANE:

Q. Okay. And can you summarize again for me why?

A. I believe we --

(inaudible objection.)

CHAIRMAN HONIGBERG: Sustained.

BY MS. CRANE:

Q. And this is a continuation of the same New York Times Travel Log web page. Can you read what's circled in blue?

A. (DeWan) I could.

Q. Will you?

A. (DeWan) "Although the notion of 'foliage trains' has been around since tourist railroads replaced working ones, these trains keep their popularity because most roll through undeveloped land."

Q. Thank you. Let's move on.
And this is a totally different subject. Do you recognize this location? Here's a hint. The railroad is --

A. (DeWan) Oh, it's the same location, yes, just a different viewpoint of it.

Q. Okay. So the railroad is down there coming across the river --

A. (DeWan) The very bottom of the page where you see the railroad bridge.

Q. Right, slicing the view in half. And are you familiar enough with the Project overall to take a guess at what the blue circle is roughly trying to represent?

A. (DeWan) I am.

Q. And it would be?

A. (DeWan) A transition station.

Q. A transition station. And the five blue stars?

A. (DeWan) That could be the representation of locations for transmission structures.

Q. For transmission structures.

A. I should say general locations.

Q. And if the scenic railroad were a scenic resource, would the presence of these
structures affect the visual quality of the experience at the scenic resource?

A. (DeWan) Not having been on the railroad or having walked the line, I can't make that assessment. However, I would, if I were to be down there, I would look at the existing vegetation. I would look at the location of the star closest to the word "Google" on the bottom of the page, and I would put myself in the mind of somebody inside of a railroad car looking out towards the river and knowing that that band of vegetation just north of that star probably blocks most of the view of the transmission structure from the viewpoint of the person in the railroad.

Q. But you didn't do this analysis; is that correct?

A. (DeWan) As I said, we were discouraged by the fact that there was signs which indicated it was private property in that field around there.

Q. And so you did not designate the bridge as a scenic resource and you did not designate the railroad; correct?
MR. NEEDLEMAN: Objection.

Asked and answered.

CHAIRMAN HONIGBERG: Sustained.

BY MS. CRANE:

Q. Okay. Next slide. This is just another view
of the bridge. I think we can skip over
this.

Okay. This is one more slide, and it is
probably my last. Unfortunately, it is the
hardest to read. Are you familiar with this
map?

A. (DeWan) No, I'm not.

Q. You have never seen this map before?

(Witness reviews document.)

A. (DeWan) I don't believe we have --

A. (Kimball) We certainly have seen this area --

(Court Reporter interrupts.)

A. (DeWan) I don't believe we have.

Q. Okay. This map, if you read the red --

A. (DeWan) I can see there's red printing on the
map. I have a hard time reading. I see the
word "total."

Q. And beginning just to the left of the word
"river," what does it say?
A. (DeWan) I'm sorry. I couldn't hear what you asked.

Q. I'm sorry. Just to the left of the word "river," can you make out what it says?

A. (DeWan) No, I cannot.

Q. If I told you that it said "Proposed taking for scenic easement or protective screen," is that plausible?

A. (DeWan) If that is, then I think you may be discussing the scenic easement that we evaluated as one of the crossings in our Visual Impact Assessment.

Q. And when you assessed it --

MS. CRANE: Could you zoom back out again, or is that all we've got on this one?

(Pause)

BY MS. CRANE:

Q. So do you see the circle that's a 3?

A. (DeWan) I'm sorry. I do not.

Q. Do you see where the scenic easement -- I'm sorry -- where the right-of-way was when the photograph was taken?

A. (DeWan) You're asking --
Q. Same right-of-way that's there now.
A. (DeWan) You're asking for a lot of detail on a very obscure map that I'm having a hard time making out.
Q. Is that easier now? Can you see the word "power" and the word "line"?
A. (DeWan) I see the word "power" and I see the word "line." Yes. Okay.
Q. Just below the word "line," what does it say?
A. (DeWan) I'm sorry.

CHAIRMAN HONIGBERG: What's the point here? Is this a test, a reading test of an illegible map?

MS. CRANE: My intent is to ultimately ask him whether he took into account who owned which rights at this location when he made his assessment of the visual impact at this location.

A. (DeWan) I believe we discussed this in detail in our Visual Impact Assessment. This is a scenic easement that was created to protect the view from what was then the proposed interstate highway. Our understanding at the time, there was a view looking down to the
river. We went back there. We drove it. In the intermediate years between the time that the highway was built and the current conditions, those trees that used to be this tall are now of sufficient height, that when you drive by on Interstate 93 you see the river for a period of maybe three seconds.

BY MS. CRANE:

Q. Thank you. That was not where I was going. The numeral 3 that was circled just above "line" and the language just below it says "Luther Drake Estate"?

A. (DeWan) I see that, yes.

Q. And it says "8.3 acres total taking"?

A. (DeWan) Yes, I see that.

Q. And the right-of-way intersects the area designated as taken; is that correct?

A. (DeWan) I hesitate to agree with that without knowing the details.

Q. Well, the land circumscribed within which it says 8.3 acres --

MR. NEEDLEMAN: Mr. Chair, objection. They testified they analyzed this easement extensively. If there's a specific
question here in light of that analysis, it should be asked.

CHAIRMAN HONIGBERG: Yeah, I think there was -- you said you had a question about ownership. Can you focus on that question and ask it? I thought I heard it when you said, "This is what I wanted to ask him." That seems like a question he should be able to answer.

BY MS. CRANE:

Q. So the question that I ultimately want to ask is: Did you take into account or even -- I'm sorry. Did you make note of the fact that the land that was taken subject to the right-of-way appears to have been taken by the State, and the right-of-way actually runs over the land subject to the easement?

A. (DeWan) If you go to Page 4-14 in our Visual Impact Assessment, that's the start of two pages where we describe this particular easement and the effects that the Project would have on the easement and the view from the interstate.

Q. Did you take any note of who the owners of
the various rights were?

A. (DeWan) We saw documents. We did not include that information in our VIA report.

Q. Do you think it might have been helpful for the Committee to know --

A. (DeWan) I'm sorry. In terms of? I'm sorry.

CHAIRMAN HONIGBERG: Finish your question.

BY MS. CRANE:

Q. -- who owns the subservient and dominant estates at this particular site? I'm sorry. I should say that in a different way. Who the owners of the land subject to the easement --

A. (DeWan) I don't know how important it is for the Committee to know the specific owners. I know that in our VIA, on Page 4-14, we do talk about the easement and ownership and the uses that are allowed on the land. And from our Visual Impact Assessment, I think that's the important information that needs to be brought forward before the Committee.

Q. And did you include the impacts of the Project on the landowners subject to the
1 easement across the river?
2 A. (DeWan) We know that the easement was on both
3 sides of the river, and the function of the
4 easement was to protect the view from
5 Interstate 93. Again, the analysis was done
6 and presented on Page 4-15.
7 Q. But you did no analysis that took into
8 account the land subject to the easement on
9 the opposite side as if it itself were a
10 scenic resource, nor did you -- no. Sorry.
11 A. (DeWan) Again, we provided the Committee with
12 as much information as we had available to
13 look at.
14 Q. This is a map that was obtained from the
15 Department of Transportation. Did somebody
16 not ask for it?
17 A. (DeWan) We have a map of the area shown on
18 Page 4-14. I don't know how it compares with
19 the map you have here.
20 Q. That's all my questions.
21
22 CHAIRMAN HONIGBERG: Ms. Crane,
23 your 1-1/4-hour examination of these witnesses
24 was accompanied by a slide deck of 170 slides.
25 You took almost four hours of questioning to do
that. That is unacceptable. That is not reasonable. If you had some indication that you needed more time, you needed to tell someone, because people make plans based on the estimates that were given.

Ms. Saffo, I'm sorry you had to sit and wait for as long as you did. You would have been called this morning had we known what was going on.

Ms. Crane, please return to your seat.

Off the record.

(Discussion off the record)

CHAIRMAN HONIGBERG: Let's take a five-minute break.

(Whereupon a recess taken at 4:29 p.m. and the hearing resumed at 4:36 p.m..)

CHAIRMAN HONIGBERG: We're going to go back on the record. Before we resume questioning, there's an outstanding issue about whether the recently issued procedural order regarding "friendly cross" applies to the witnesses being presented by Counsel for the Public. And we're going to rule from the Bench.
that they do not. Those requirements do not
apply to witnesses for the Counsel -- to
Counsel for -- I can't even speak. It does not
apply to the witnesses being called by Counsel
for the Public. As that order indicates in
another context, Counsel for the Public has a
special statutory status here. They represent
the public for a variety of interests, and we
don't feel it's appropriate to apply that rule
to their witnesses and the examination of those
witnesses. That's not to say that
cross-examination of those witnesses isn't
appropriately limited to real cross-examination
and not repetitive, all of the same
requirements.

Ms. Boepple, does that cover
the issue?

MS. BOEPPE: Yes. Thank you,
Chair.

CHAIRMAN HONIGBERG: All right.

Anyone have any questions on that?

[No verbal response]

All right. Ms. Saffo, you may
proceed.
MS. SAFFO: Thank you.

CROSS-EXAMINATION

BY MS. SAFFO:

Q. Going afternoon.
A. Good afternoon.

Q. I put a document in front of you that's going
to be Exhibit 36, Grafton Exhibit 36. And
I'm going to be limiting my questions to the
underground portion of the Project.
A. (DeWan) Okay.

Q. And my understanding from earlier testimony
is you did not do visual impact studies, and
in part, at the time you wrote your report
you thought it was going to be under
pavement, for lack of a better description.
A. (DeWan) That was our --

MR. NEEDLEMAN: I'm sorry. Mr. Chair, could I interrupt for one minute? I
don't have a copy of the document that they're
looking at.

MS. SAFFO: We can put it onto
the ELMO.

CHAIRMAN HONIGBERG: We can't
see it either.
MS. SAFFO: Yup. And I'll definitely as we talk about points in it.

BY MS. SAFFO:

Q. But at this point I'm not talking about the document. I'm just talking about your earlier testimony here; correct?

A. (DeWan) That is correct.

Q. And you did your joint prefiled testimony, first part, on October 16, 2015; correct?

A. (DeWan) I think that's right.

Q. And the same day, Northern Pass submitted a document to New Hampshire Department of Transportation. And that is what's in front of everyone as Grafton 36. And this was from the Law Office of Mark Hodgdon, PLLC. And you can tell by the caption there, it's the Petition for Aerial Road Crossings, Railroad Crossings and Underground Installations in State-Maintained Highways.

Now, I'd like to turn to Page 72 of that document. On the bottom, if you look at bottom Bates numbers, I think it's Northern Pass Transmission Discovery 30072. And if you look at the -- there's a half paragraph
in the top. Second full paragraph down, it says, "While the alignments vary slightly due to technical constraints" -- this is now going to be reading the goals of this document -- "the underground sections propose to make extensive use of the previously disturbed areas within the traveled way, ditches and shoulders of the road." So what Northern Pass was doing was proposing to the New Hampshire Department of Transportation to use only previously disturbed areas along the underground portion of the roadway.

And then it goes on to say why. "Using the disturbed areas will speed construction time, thereby reducing the impacts on the traveling public and abutters," and then more importantly for today, "avoid extensive impact to wetlands and water resources, historical properties, reduce ledge and mature tree removal and preserve the natural terrain." Do you see that?

A. (DeWan) I do.

Q. Okay. So what we're talking about in this document is it's a permission to the New
Hampshire Department of Transportation to go under pavement, ditches and the shoulders of the road; correct?

A. (DeWan) I think so, yes.

Q. Okay. So at this time, on October 16, 2015, the idea presented to you, as you drafted your pretrial testimony, dated the same day and presented to the New Hampshire Department of Transportation, was to do just that, use the disturbed area, paved shoulders and ditches; correct?

A. (DeWan) That was our understanding, that it was going to be primarily within the paved surface of the right-of-way.

Q. And while that was your understanding, this document shows that that was certainly nothing guaranteed at that point in time; correct?

A. (DeWan) At the time that we did our VIA, it was our understanding the objective was to locate it within the pavement of the road.

Q. And while that may have been an objective, the petition hadn't been filed yet because the petition is dated the same date as your
prefiled testimony; correct?

A. (DeWan) It appears to be.

Q. Okay. Now, this particular document talks about why Northern Pass Transmission was proposing to go underneath the paved areas. And one of the reasons was to avoid impact on the land around the paved areas, shoulders and ditches. And just to make it easier for the record, I'm going to say "paved areas." Every time I say that, I mean shoulders and ditches as well.

But the reason why Northern Pass presented this document was because they didn't want to see other adverse impacts in the surrounding land; correct?

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

Q. Now, at this point in time, October 16, 2015, had you provided any guidance whatsoever to Northern Pass on impacts along the underground portion of the roadway?

A. (DeWan) Did we provide any guidance to them? We took what they said was going to be the assumed route -- i.e., underneath the paved section -- and we did our evaluation based
upon that. We drove the entire route. We didn't see anything that immediately jumped out at us as being unusual, for the most part.

Q. But you were assuming that the route was going to go underneath the roadway; correct?

A. (DeWan) With the exception of the two endpoints.

Q. Yeah, yeah. So as you're driving those 52 miles, you're presuming -- never mind.

Strike that.

(Court Reporter interrupts.)

Q. Sorry. So, Attorney Hodgdon would have written this document without your input; is that fair to say?

A. (DeWan) It's the first time I've seen this document.

Q. Okay. Now, as it turned out, the request to bury under the paved areas was not granted for a variety of reasons. And so now we're in Plan B; is that fair to say?

A. (DeWan) I don't know what Plan B is. But I know that there is a reaction on the part of the Department of Transportation that they
did not want to see it in the roadway.

Q. Yeah. So it's fair to say that Plan A, which is in the roadway, is no longer a valid plan, correct, as things stand right now?

A. (DeWan) I don't know the status of the Project right now --

Q. Okay.

A. (DeWan) -- exactly.

Q. So that's one of the concerns is that you don't know the status, as the aesthetic person and the aesthetic panel. If you don't know the status of these 52 miles of roadways, do you have any information as to what the landowners along those 52 miles of roadway might know?

A. (DeWan) I don't know what the landowners know. I've been informed of what the current discussions have been with the Department of Transportation.

Q. And what's your understanding of the current discussions?

A. (DeWan) Well, since the last time we talked about this, we did have some conversations with the engineering team, and we know that
there's been a number of exceptions filed
with the Department of Transportation. It's
my understanding -- again, I'm not the
engineer. I'm relying primarily on what the
conversations I've had with Don Cortez, one
of the engineers with SGC Engineering on the
underground portion, and Tom Hannigan from
Quanta, who told us about recent
conversations and meetings that they've had
with the Department of Transportation.

    I think the overall objective, of
course, is to minimize disturbance to the
landscape, to put it in their proper
location, to work with them in a way that
will satisfy the concerns of the Site
Evaluation Committee and the Department of
Environment -- the Department of
Transportation. From what we've been told,
again, in conversations with these
individuals, the primary location for the
facility, underground facility, would be in
the shoulder, roughly -- again, these are
general terms -- roughly 3 feet away from the
edge of the pavement, the ditch itself. The
underground section would have a width of about 3 feet, and that would be the ideal location. Now, the final location, of course, would have to be set based upon survey information, looking at things like the edge of the right-of-way, the existence of utility poles, underground water lines, fire hydrants, those sort of things which may prove to be a conflict with the underground facility.

Q. And what was your understanding of what needs to be cleared for construction in order to put these ditches 3 feet away from the pavement?

A. (DeWan) When you say "cleared for construction," in most of these areas there's virtually no trees. And again, to continue on, you didn't let me finish --

Q. Okay. I apologize.

A. (DeWan) Now, that's the ideal. Most of the roads, as you know, have a drainage ditch on one side or both sides of the road. So the other limiting factor may be the outer edge of the drainage ditch within which this
facility might be located. I don't know how far that might be off the road, but it's generally fairly close to the edge of the road. But you can imagine the roadway to the shoulder, to the drainage ditch, not the sort of place one normally finds large trees or other types of vegetation.

Now, again, as I said, it's our understanding in talking with these individuals, a final location for the location of the line has not been set yet, the duct bank. It would be based upon further engineering, which is in progress right now, as I understand it. Continuing discussions with the Department of Transportation I'm certain will ensue to arrive at a final determination.

Another thing that was talked about, and I've heard some mention made when we sat in on some of the earlier sessions with the Committee, is the location of splice pits. As you know, they would be located roughly every 2,000 feet. There's been enough site evaluation done at this point so that the
splice pits are going to be located in places where there are no trees right now. And we were told, again by the engineering team, that there's certain flexibilities in the location of the splice pits, that they can be moved, I think the term was "several hundred feet in one direction," to avoid any specific site issues. I also found out in these discussions that once the splice pits were put into place -- and again, not being the engineer, I don't know exactly what constitutes a splice pit; it's an underground facility where the lines are joined together -- that the manhole that provides access to these splice pits would either be sealed off or covered over, and so a person driving or walking by wouldn't see the location of the splice pits. They would look like any other part of the gravel surface or the grass ditch, or if it was even located in the road, it would be paved over.

The other thing that we heard again in these discussions is that there may be a few locations where you have to go outside of
that roughly 20 feet away from the edge of
the road. But those locations are primarily
in areas -- there are four locations that
have been identified. And I don't know where
they are, but I was told these are all in
lands that are owned by the Department of
Transportation. These are areas that have
been disturbed already. These are areas that
do not have any trees in them.

So that is a summary of what I
understand to be the current state of the
discussion with the Department of
Transportation.

Q. So that's kind of a fancy way of saying,
though, that no one still knows how far off
the pavement is needed to be cleared for
construction and for to put these cables in
the ground; correct?

A. (DeWan) As I said, based upon what we've
heard, the intent is to locate them in such a
way that would have minimal amount of tree
clearing.

Q. So I understand intent and I understand goals
and I understand aspirations and I understand
The question for the landowners and for the public is: Where are these cables going to be buried, and what kind of impact is going to happen on aesthetics and on the public private land? So I think my main question is -- I understand goals and hopes and aspirations. My question is: What is going to happen? Where is the holes going to be dug? And what needs to be cleared along the way to build this?

So have they told you how big the machinery is to install the splice vaults and to do the trench operations?

A. (DeWan) We did not get into the mechanics of the construction. I was more interested in, you know, what ultimately is going have to be disturbed and what the final result would be, and ultimately what effect it would have on the visual characteristics, primarily on Route 116 which as we know is a scenic byway.

Q. Absolutely. So when you're looking at -- I live on 116. I'm not on this part of Northern Pass. I'm on the other side of it. I'm very familiar with that road, just so you
1  know.
2  A.  (DeWan) Okay.
3  Q.  What ultimately has to be disturbed? I think that is the issue. What ultimately has to be disturbed? And what ultimately has to be disturbed would include what has to be clear-cut to build these to bury these lines; correct?
4  A.  (DeWan) Again, it's my understanding in talking to the team that we've been in contact with that there would be minimal amounts of tree clear-cutting.
5  Q.  Okay.
6  A.  (DeWan) There may be some trees. I don't know. I have not gone and looked at individual trees. But, you know, the conversation that we've had is that, if there are trees that are cut that are part of someone's property, let's say, and, you know, we've heard commitments on the part of Ken Bowes and others before this Committee that if there was disturbance of landscaping that affected someone's property -- and we're talking about public property here, not
talking about private property -- that if
there were disturbances that landowners felt
needed to be addressed, the Applicant is
willing to work with those Applicants [sic]
to address the issue, if there is an issue.

Q. Okay. So you haven't been here for a lot of
the testimony. So the Applicants initially
have testified that they initially told the
landowners what they told you, which is the
hope is it would be under the pavement and
not in their roadway. Now the public and
private owners are saying that there's this
construction easement onto their private
property, and that within that construction
easement on their private property -- and
there's been a lot of testimony about
easements and what they are. I won't bother
you with that, not relevant for this
question -- that it's their position they can
clear anything in that DOT construction
easement. There's also been testimony, and
this is just forming my next question, that
Northern Pass is maintaining a 66-foot --
maintaining there's a 66-foot New Hampshire
DOT construction easement along a lot of this roadway, including 116.

Now, 116 is about 24 at its widest feet wide. So if there's a construction easement of 66 feet, that would be approximately 20 feet on both sides of that road. If 20 feet on either side of that road, just pick one side or the other, is cleared, would that have a significant impact on aesthetics?

A. (DeWan) If that was the clearing that had to happen, which I don't believe is going to be the case, it would be something which we would look at. But I don't believe that there is the situation as it was described to us where that would be the result.

Q. Okay. What exactly -- have you been shown a map showing you what's going to be cleared along Route 116?

A. (DeWan) I have not seen any engineering drawings.

Q. Okay. So if you have not seen any engineering drawings and there is no concrete information about how far they have to go off the road, how can you make a determination
that there isn't going to be a significant adverse impact?

A. (DeWan) Based upon the information that was provided to us as I described earlier, that the location for the underground ductwork is going to be usually 6 feet away from the edge of -- the outer edge is going to be 6 feet away from the edge of the pavement, from what we know about Route 116, you know, this will result in minimal visual impact to the overall scenic byway.

Q. Okay. So if you're on Route 116 in between Franconia and Route 112 and they have to go more than 6 feet -- let's say they have to go 15 feet -- would that be a significant visual aesthetic impact on Route 116?

A. (DeWan) That's impossible to say at this point without knowing the specifics. But as I said, the outer edge of what they would anticipate going is to the outer edge of the ditch, and these are locations that generally do not have any trees.

Q. And they haven't explained to you that they need about 25 feet for their equipment when
they're digging that ditch?

A. (DeWan) Again, I'm not the construction panel. I know there's a lot of construction-related issues here that you're bringing up. And I think that portions of the construction panel certainly would be willing to come back and talk about these issues before the SEC.

Q. The only thing I'm asking you about, to be clear, just to be clear, is what has to be clear-cut in order to build. So if what has to be clear-cut in order to build is about 25 feet, that the equipment to do all the drilling and the trench building and placing those cables requires 25 feet of space, and they only can go halfway into the roadway, so they only have 12 feet to the center line of the roadway, so they need another 12 feet off the pavement, if you presume that as part of construction, so they have to clear-cut that as part of construction, does that clear-cut result in an adverse impact?

A. (DeWan) Again, I'm dealing with the information that I have in front of me --
Q. Okay. Now I'm asking you to deal with my
information. If they have to go 12 feet from
the pavement into the woods or people's front
yards -- just presume that, 12 feet -- would
that be a significant adverse impact if
they're doing that all along Route 116?

A. (DeWan) If you're asking me if by taking
trees from the edge of the pavement out
12 feet, would that be a significant impact?
I don't know of many locations, if there's
any, where there are that density of trees
that are that close to the road.

Q. Okay. Well, we can show the Site Evaluation
Committee a lot of pictures, and we can show
you. Take it from me, who lives on that
road, that's probably half the road.

But putting that aside, if you have to
clear-cut 12 feet from the edge of the
pavement into people's front yards, and all
along 116 -- so it isn't just removing mature
trees; you're removing stone walls, you're
removing fences, you're removing the
shrubbery and landscaping in front of
people's houses -- would that be an adverse
impact?

A. (DeWan) Well, I believe that Ken Bowes and others have testified that if things had to be removed, they would be replaced.

Q. Okay. Now, have you learned that you're not allowed to — well, first of all, have you read that we can't replace trees and shrubbery on top of where the cables are dug? Is that new information for you?

A. (DeWan) I have not had that conversation with them, but that's typical of any sort of utility information.

Q. So, wherever the utility is located, for at least 3 meters on both sides you can't replace anything there; right?

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

Q. Okay. Does it make sense to you that you don't want roots and trees growing around utilities?

A. (DeWan) That's typically why they don't allow vegetation on top of underground facilities like this.

Q. So if you heard there was a restriction on the planting of trees and hedges over the
cables within 3 meters of the cable trench to prevent encroachment by vegetation, would that make sense to you?

A. (DeWan) That would seem like a logical practice.

Q. And if the residents had landscaping that cannot only not be rebuilt or replanted, it could never be replanted; correct?

A. (DeWan) According to the rules as you presented them to me. Again, I don't know what restrictions there would be on landscaping.

Q. So, again, to confirm your testimony, it's your understanding that along Route 116 and the underground route, chances are they don't need to take more than 6 feet from the pavement; correct?

A. (DeWan) No, I didn't say that.

Q. Okay. What's your understanding?

A. (DeWan) My understanding is that the location that was explained to me where they intend to build the majority of the line is starting at the edge of the pavement. The trench would start at roughly 3 feet and extend a width of
3 feet; so, 6 feet away from the edge of the pavement. In some places it may be necessary to go to the outside edge of the ditch line. And that may be a variable distance.

Q. And if on one side of the road it immediately goes into a slope, so that there isn't even a walkway or any ditch, and if on the other side road it immediately goes into a stream instead of a ditch, would you agree there'd be an adverse impact on either the slope or the stream in order to put something there?

A. (DeWan) Well, I don't think those are the sort of places you'd expect to see the transmission line go. You know, the intent is to put it under the pavement, especially in those situations where there may be a very steep slope on one side and an environmental restriction on the other side.

Q. So in those cases, would they -- presuming they need 24 feet to build these trenches, 24 feet for their equipment because their equipment needs that much space, then on those locations where you have a slope on one side and an environmental item on the other
side, they'd have to basically then have to
go under the road there.

A. (DeWan) That would be the desirable location,
yes.

Q. And they would have to close the road in
order to build it there.

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

Q. So if there's no way to fit the equipment on
one side of the road, do you agree they'd
have to then take over more than --

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: Sustained.

BY MS. SAFFO:

Q. Okay. So as you talked to Northern Pass
about the impacts, you didn't ask them how
much space they needed to clear in order to
build this trench for their equipment?

A. (DeWan) It's my understanding that's
information that was discussed with the
Committee by the construction panel.

Q. But for you making your analysis on
aesthetics, sitting here right now, you still
don't know the width needed to build this
trench.
MR. NEEDLEMAN: Objection.

Asked and answered.

CHAIRMAN HONIGBERG: Ms. Saffo.

MS. SAFFO: I don't think it has been. I think he's been dancing around it. Now it's a very clear question. I just asked him, How much space do you think is needed to build this trench?

BY MS. SAFFO:

Q. If you're saying -- I understand you're saying the trench will be 3 feet from the roadway. But to build that trench, to construct that trench, what is the width that you understand needs to be cleared?

MR. NEEDLEMAN: Same objection.

A. (DeWan) I'm not a construction manager. I don't know.

BY MS. SAFFO:

Q. And so you haven't considered that in your analysis.

A. (DeWan) I know there's a variety of different ways it could be built. I don't know what is being proposed in this situation.

Q. Okay. Thank you.
Now, you updated your testimony on April 17, 2017; correct? You did a supplemental testimony?

A. (DeWan) That's correct.

Q. And you still didn't write anything about the underground portion; correct?

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

Q. But by this time, you know that what you knew back in 2015, which you thought back in 2015, which is they were going under the pavement, was no longer the case; correct?

A. (DeWan) I don't know if we had much information about that portion of the Project when we wrote that.

Q. Okay. So I'd like to ask -- turn to Page 72. We're still on that page, on 72. The very top line I have underlined in front of us, the first word is on the previous page, which is just the word "the." But "The underground design is laid out to avoid unnecessary impacts on the roadsides and abutters along these historic, scenic and largely rural roads."

Do you agree that the roads on the
underground portion are historic, scenic and largely rural?

A. (DeWan) I can't address the word "historic."
I know that it's a scenic byway and therefore would qualify for the word "scenic." And a large part of it goes through rural landscapes.

Q. So you don't dispute Mark Hodgdon's characteristic here.

A. (DeWan) Certainly is scenic and rural.

Q. Okay. And then turning to the previous page, on 71, in the bottom, Mr. Hodgdon writes to the New Hampshire Department of Transportation, "The proposed underground construction techniques are intended to avoid undue impacts on the roadways, environmental resources, historic and archeological sites, scenic areas and local residents. By staying within the previously disturbed areas, substantial impacts on natural, scenic, environmental, archeologic and historic resources are greatly reduced, if not eliminated." Did I read correctly?

A. (DeWan) Appears to be, yes.
Q. Conversely, if we don't stay within the previously disturbed areas, there will be substantial impacts on natural, scenic, environmental, archeologic and historic resources; correct?

A. (DeWan) I wouldn't agree to that.

Q. Do you agree that that would be the same way of saying what he's saying here?

A. (DeWan) The word "substantial" doesn't necessarily flow from the opposite of what you just read. There could be minor impacts.

Q. So let's turn to the impacts listed by Mr. Hodgdon on behalf of Northern Pass Transmission.

If you look at the next page, 72, yeah, we already read about -- the third full paragraph down, starting with the word "furthermore." "Furthermore, using the disturbed areas will preserve the nature of these roadways"; correct?

A. (DeWan) That's what it says.

Q. So if we don't use the disturbed areas, we would have a concern about the nature of these roadways; correct?
A. (DeWan) Depends upon what's adjacent to the disturbed areas.

Q. Yeah. He goes on to say, "Many of the impacted roads have numerous historic, environmental and archeological features that would be adversely impacted by the extensive roadside construction necessary for the Project to be sited outside the disturbed areas." Do you see that?

A. (DeWan) That's what he says.

Q. Basically saying to the New Hampshire Department of Transportation that, if we do not stay in the roadway, extensive roadside construction necessary for the Project would be sited outside the disturbed areas; right?

MR. NEEDLEMAN: Objection. The document speaks for itself.

CHAIRMAN HONIGBERG: Ms. Saffo.

MS. SAFFO: I think it's fair to see if this particular expert agrees with Mr. Hodgdon's characteristic.

CHAIRMAN HONIGBERG: Sure, you can ask if he agrees.

BY MS. SAFFO:
Q. Do you agree with what Mr. Hodgdon is saying there?

A. (DeWan) Not totally. I would not say "would be adversely affected" without seeing them and seeing what the effects may be.

Q. And you haven't been shown exact effects yet, have you?

A. (DeWan) I have not seen any of the current plans for the underground section.

Q. So, turning to Page 75, at this point, now Mr. Hodgdon discusses specific roads. So we're going to go through the roads.

First one on 75 he discusses is Clarksville.

MS. SAFFO: If you want to pull it down and focus on that first top paragraph, you can zoom it a little bit and people can read it a little better.

BY MS. SAFFO:

Q. So this is Northern Pass Transmission Discovery 30075 in Exhibit 36.

At this part he says, starts off by talking about the Clarksville portion. He says it has no recorded layout, dates back to
around 1828. He then goes on to say, "It's therefore considered a prescriptive highway. Without a specific right-of-way width, locating the Northern Pass Transmission outside of the traveled way and beyond the [disturbed] ditch lines is legally problematic."

He then goes on to say, "This is especially so since existing utilities, notably distribution lines, occupy much of the roadside and greatly complicate the installation of the underground transmission line."

But what I want to point your direction to is the next two sentences. "Furthermore, the Route 145 roadside contains several residences, stone walls, fences and heavy tree cover just beyond the shoulder and ditch lines. A few steep roadside grades and wet areas are present as well. Construction of the underground transmission line in this area outside of the disturbed area would result in significant and likely unacceptable impacts due to these characteristics." Do
you see that?

A. (DeWan) I do.

Q. Do you know what part of Route 145 he's talking about here?

A. (DeWan) Not specifically. I know where the transition station in Clarksville is, and I know where it goes under the roadway.

Q. Do you have any reason to dispute his characterization that Route 145 in Clarksville contains "several residences, stone walls, fences and heavy tree cover just beyond the shoulder and ditch line"?

A. (DeWan) That's not my recollection of that section of 145.

Q. But if that is correct, would that mean that there might be significant and likely unacceptable impacts if he's correct?

(Witness reviews document.)

A. (DeWan) We're looking at that section of 145.

Q. It's the Old County Road.

A. (DeWan) Yes. It's mostly fields on one side of the road. There is a line of trees on the east side of the road. There is one farm on the west side of the road. I don't see any
stone walls. I don't see the type of landscape that he's describing right here.

Q. Well, if he's correct, and portions of Route 145 do contain several residences, stone walls, fences and heavy tree cover just beyond the shoulder and ditch line, would that be problematic for aesthetics?

A. (DeWan) We don't like to deal with hypotheticals when we have the reality in front of us.

Q. Right now, as you just scanned that, how many miles of that road did you look at?

A. (DeWan) About two tenths of a mile.

Q. Is it longer than two tenths of a mile there?

A. (DeWan) We just measured it on Google Earth.

Q. Okay. Now continuing on to Mr. Hodgdon's analysis.

Bear Rock Road, Stewartstown, District 1. So now we're in Stewartstown. This part talks about the state-maintained portion of Bear Rock Road running from Route 145 to Guy Placey Road. He noted that, although the traveled way measures approximately 20 feet, fences, stone walls,
trees, wetlands and sleep slopes consistently occupy between 8 to 10 feet on both sides of the traveled way and shoulder. The last line he says, "While the northern roadside slopes sharply upward from the ditch line, it is covered with numerous wetlands, stone walls, utility poles, fences, and dense, mature tree growth, often within 10 feet or so of the traveled way."

If he's correct, and there is dense, mature tree growth, would clear-cutting that change the character of this road?

A. (DeWan) We haven't looked at this in detail. Bear Rock Road, from our estimation, is not a scenic resource.

Q. Okay. Now I'd then like to turn to the next page, which is 76. Now we're looking at the White Mountain National Forest part of the underground road.

MS. Saffo: You may want to go to the relevant portion. See Route 302? Slide it over. Thank you.

BY MS. Saffo:

Q. This part, he talks about the relevant
portion of Route 302 in Bethlehem. So now we're in the town of Bethlehem, and now we're on Route 302.

He writes there that is no defined right-of-way width. "The pertinent portion of Route 18 from Route 302 intersection in Bethlehem to the intersection of Route 116 in Franconia was originally laid out in the 1800s as a 4-rod layout." Then he notes, "In practicality, however, it is a narrow, rural, two-lane highway. Dense, mature woods and old stone walls line the roadway through most of Sugar Hill."

He then says, "South of Streeter Pond Road, Route 18 is bounded to the west by Coffin Pond and the Gale River, which it follows south, making work outside the roadway non-viable. As Route 18 passes Route 117, it becomes Franconia's main street, lined closely with numerous businesses and residents. Signs, fences, walls, landscaping, walkways, and likely a few structures would be impacted by any attempt to utilize the margins of the right-of-way in
this area. Due to its age, historic and
archeological features are located adjacent
to this stretch, most notably the last stone
iron works in New Hampshire." Do you see
that?
A. (DeWan) I do see that.
Q. Did you consider the last stone iron works in
New Hampshire?
A. (DeWan) We looked at this section of Route 18
and do not recognize it as a scenic resource.
Q. And did Northern Pass Transmission give you
this information that they were giving to
DOT?
A. (DeWan) Which information are you talking
about? This letter that we're reading right
here?
Q. Anything that -- any stuff I'm reading to you
from the letter. You already said you didn't
see the letter itself. But any of the
information --
A. (DeWan) I do not believe so.
Q. Okay. So they're relaying this information
to the Department of Transportation, but you
don't recall them relaying it to you.
A. (DeWan) They've given us information about the general location of the underground section.

Q. Okay.

A. (DeWan) Yeah.

Q. Okay. Now turning to Route 116 in Franconia and Easton. Again we start with talking about the layout, skipping -- "Ancient layout issues aside, the road is a narrow, two-lane highway with modest traffic. Numerous wetlands, historic resources, water courses and ponds sporadically adorn the roadside. Mature trees crowd much of its length."

Now, you said you didn't recall that.

As someone who drives on 116 on a very regular basis, the mature trees is something that stands out to me that would need to be cleared. I'm trying to figure out why that wouldn't be something that would have been considered by you?

A. (DeWan) You're talking about trees growing right up against the pavement.

Q. No, talking about trees that would have to be cleared in order to construct this project.
But in this case, I think you're right. Even if we went with your 6-foot space needed off the pavement, you're still hitting trees on 116; correct?

A. (DeWan) Depends on what side of the road it's on. And I don't know --

Q. Do you know what side of the road it's going to be on?

A. (DeWan) Again, based upon the conversation I had with the design engineers, that's a decision that has not been made yet. And it's going to be made based upon a lot of factors that I've outlined earlier.

Q. But how do you do an aesthetical impact if you don't even know what side of the road it's going to be on, never mind how far into the road you're going?

A. (DeWan) Based upon the information that's been provided to us --

Q. Which is that they don't know what side of the road it's going to be on yet.

A. (DeWan) Well, the information that we provided at the time we did the VIA was based on an assumption that the line would be in
the road and therefore minimize or eliminate any disturbance to the adjacent vegetation.

Q. But that assumption has long since been taken off the table; correct?

A. (DeWan) I know there's been exceptions that have been submitted, but the ideal location is still going to be within the pavement. And again, it's still part of the discussion with the Department of Transportation.

Q. So we're now in September of 2017 and we still don't know if this project is going on the right side of a scenic byway or the left side of a scenic byway; correct?

A. (DeWan) As far as I know, the final engineering has not been done.

Q. So you don't know how much clearing has to be happening and whether it's going to be on the right side or the left side yet; correct?

A. (DeWan) Again, my information from the people we've talked with is to minimize disturbances to utilities, to trees, to the various resources that we've been concerned about.

Q. The issue isn't that they want to minimize disturbances. The issue is what is going to
happen. So this goal I keep hearing over and over again, the goal is to minimize disturbance. Well, what if they don't? That's the whole issue in front of the Site Evaluation Committee right now. It isn't people hoping not to do something. It is what is going to happen. That's what we have to base our decisions on; correct?

A. (DeWan) Ultimately the SEC will make that determination. And ultimately it will be a decision reached by the Department of Transportation.

Q. Absolutely. And you're here as the aesthetic experts. Both of you are here as the aesthetics experts; correct?

A. (DeWan) That is correct.

Q. So what we need from you is what is going to happen aesthetically on Route 116, a scenic byway, a promoted scenic byway in the state of New Hampshire. But what you're telling me right now is you don't even know what side of the road it's going to be on. And you're looking like you're cautiously optimistic, based on conversations, that people are
hoping to build it within 6 feet of the 
pavement. Earlier testimony makes that 
highly unlikely. If it's built within 6 feet 
of the pavement, and the pavement is 12 feet 
because they can't take over the whole 
road -- we can't close the road, so you have 
to leave one lane open -- leaving one lane 
open is still difficult for everybody, but 
it's at least one lane.

So you have 12 feet of pavement. If 
you're correct and there's 6 feet off 
pavement, that's 18 feet. The construction 
panel has already been clear that they need 
more than 18 feet to build these trenches and 
to install these cables, okay. So if I'm 
correct that the construction panel has been 
crystal clear that they need more than 
18 feet to build these trenches, that would, 
by definition, mean your 6-foot hope is 
inaccurate; correct?

MR. NEEDLEMAN: Objection. It 
mischaracterizes the testimony of the 
construction panel, and it's asked and 
answered.
CHAIRMAN HONIGBERG: Ms. Saffo.

MS. SAFFO: I think it's a fair question.

CHAIRMAN HONIGBERG: Do you think it accurately recounts the testimony of the panel?

MS. SAFFO: I do. My recollection is I thought they needed over 20 feet.

CHAIRMAN HONIGBERG: For every foot along the line?

MS. SAFFO: For every foot along the line, that the equipment that they use to dig the trench and to then fill in the trench and to pull the wires --

CHAIRMAN HONIGBERG: So if you are wrong, then whatever answer he gives you is invalid; right? Just so it's clear. I mean, this is a hypothetical --

MS. SAFFO: This is a hypothetical.

CHAIRMAN HONIGBERG: You asked him to assume a bunch of things are true. And if those things aren’t true, you accept the
consequences of it not being true, just like he
has to -- they have to --

MS. SAFFO: Absolutely.

(Court Reporter interrupts.)

CHAIRMAN HONIGBERG: So you
understand the hypothetical, Mr. DeWan? I'm
going to let you go. Do you understand the
hypothetical, Mr. DeWan? It is being presented
as a hypothetical.

WITNESS DeWAN: It's a
hypothetical.

CHAIRMAN HONIGBERG: Yup.

Why don't you go through it
again. What do you want him to assume is
true?

BY MS. SAFFO:

Q. So, assuming that they need to clear-cut what
space they need to construct the trenches,
okay, and assuming they need more than
18 feet of space to build --

A. (DeWan) Measured from the center line.

Q. -- measured from the center line, that their
equipment will take more than 18 feet of
space, does that mean your 6-foot hope from
the pavement is inaccurate?

A. (DeWan) I don't know. When you say they need more than 18, I don't know what the requirements are. I don't know how the construction team would handle specific situations like that. I don't know what sensitivities are brought to bear. Having worked a lot with construction crews, I know that they are instructed that there are certain precautions that have to be taken in certain situations to preserve environmental features, trees and so forth.

Q. Okay. Now, you know there's exceptions. So they were told they couldn't bury under the pavement, and now the hope is these exceptions go through; correct?

A. (DeWan) I'm not aware of the wording of the exceptions. I know that they're looking for exceptions that would allow them to put the line under the pavement in certain designated areas.

Q. Over a hundred designated areas. You aware of that?

A. (DeWan) I know there was a great deal, a
great number that had been submitted.

Q. Okay. So I want to ask, that comment of Mr. Hodgdon about "the last stone iron works in New Hampshire," do you know anything about that?

A. (DeWan) I do not.

Q. Okay. Turning to Easton and Franklin, they also noted -- we talked about the mature trees crowding much of its length. Stone walls and existing utilities occupy the land just past the ditch lines and shoulders. Is that correct? Am I reading that correct?

A. (DeWan) That seems to be, yes.

Q. Do you agree that stone lines -- stone walls are aesthetically pleasing?

A. (DeWan) Absolutely -- well, generally, yes.

Q. Okay.

A. (DeWan) I don't say there's any absolutes.

Q. Turning to the last page. I'm almost done here. 30077, first paragraph. Now we're heading east from the intersection with Route 116, and Route 112 passes through the scenic Kinsman Notch and skirts along Lost River.

The last line -- well, second to the last
line says, "Numerous utility structures already occupy the roadside extensively, including some underground installations which would be impacted by further roadside construction. More importantly, the road's scenic quality would invariably be altered by the additional widening, tree removal and terrain changes necessary to place the NPT underground facility in the undisturbed areas." Do you see that?

A. (DeWan) That's what I read, yes.

Q. Did Northern Pass tell you that additional widening, tree removal and terrain changes are necessary?

A. (DeWan) No. As I stated earlier, the assumption was made that the Project would be located within the paved portion of the roadway.

Q. And when we learned that it wasn't going to be in the paved portion, did they come to you and say, We can't put it in the paved portion anymore?

A. (DeWan) We have had no further discussion about it since we submitted that part of the
VIA.

Q. Although you did supplement in April of 2017; correct?

A. (DeWan) That's correct.

Q. And as part of the April 2017, you were not asked to supplement your testimony in light of now understanding that you can't put it in the pavement?

A. (DeWan) I don't believe there had been a final decision made about the location at that point.

Q. Okay. Now we lastly go to Route 3, and that's Woodstock, Thornton, Campton, Plymouth and Bridgewater. What he wrote here is, "Extending south from the center of Woodstock, Route 3 has a long-established presence in the communities it serves."

Fair to say from your drive on Route 3, you'd agree with that?

A. (DeWan) Long-established presence, yes.

Q. "This importance is reflected in a relatively densely built roadside with numerous residences, institutions and businesses crowding the right-of-way along its length."
Do you agree with that?

A. (DeWan) I would maybe dispute the word "crowding." But I would say there are institutions, residences, businesses along the right-of-way.

Q. And there are some within 5 feet of the right-of-way; correct?

A. (DeWan) I'm just objecting to the word "crowding." There's a lot of implications there.

Q. But he might have meant crowding because some of those residences and buildings are literally within 10 feet of the road; correct?

A. (DeWan) I don't know that for a fact. I don't know where they're located.

Q. Did you look at how closely residences and buildings are located to the roadway there?

A. (DeWan) We did not measure them.

Q. Okay. Then he goes on to say, "Innumerable signs, landscaping, trees, curbs, parking spaces, walls and fences lie just beyond the traveled surface"; correct?

A. (DeWan) That's what it says, yes.
Q. And is that your recollection from traveling that road?
A. Yes.

Q. And then a variety of water courses and rivers weave across and along the highway; correct?
A. That's correct.

Q. Do you agree with his characterization, that attempting to construct a utility of this nature outside the disturbed area of the roadway is "highly problematic"?
A. (DeWan) That's an engineering consideration, and I really have not studied that in detail. I don't know what is meant by "highly problematic." He's certainly outlined some of the issues that may be faced.

Q. "Construction outside the roadway's disturbed area would unnecessarily impact these abutting properties" --
A. (DeWan) That's what it says.

Q. -- "several of which undoubtedly have historical significance." That's what it says.
A. (DeWan) That's what it says.
Q. Did Northern Pass Transmission, who gave this information to DOT, give you this information, that there are several abutting properties which undoubtedly have historic significance?

A. (DeWan) Again, we were dealing with the information that was provided us when we did our initial VIA.

Q. Were you given any items that have historic significance on Route 3?

A. (Kimball) It's possible there are historic properties on Route 3. Again, we are concerned with those where there's a legal right of public access. So...

Q. Are you saying that, to your knowledge, there are no abutting properties with historic significance that have right of public access?

A. (Kimball) I would have to go back and look at the list of historic properties. But nothing is coming to mind immediately.

Q. Okay. Fifty-two miles of clearing along a road, on one side of the road through Bethlehem, Sugar Hill, Franklin, Easton,
Woodstock, Thornton, Campton, Plymouth and Bridgewater, that would impact the aesthetics of a town; correct?

MR. NEEDLEMAN: Objection. It mischaracterizes the facts.

CHAIRMAN HONIGBERG: Ms. Saffo.

MS. SAFFO: I think it's very clear. The testimony's been very clear that there's going to be an underground -- the plan and the proposal is for an underground trench to be constructed along these 52 miles. I think my characterization is more than appropriate.

CHAIRMAN HONIGBERG: So what's the question again?

MS. SAFFO: Fifty-two miles of clear-cutting along a road through all these towns --

CHAIRMAN HONIGBERG: No, that's -- the problem with the question is the "clear-cutting." That word "clear-cutting" is a problem with the question.

MS. SAFFO: See, I don't think it is, because to build this, you have to clear
everything.

CHAIRMAN HONIGBERG: Well --

MS. SAFFO: I can be ruled against, obviously. That's just my opinion.

CHAIRMAN HONIGBERG: Well, there is no testimony that clear-cutting is required along 52 miles of the underground portion. I'm fairly confident of that. Because if there's nothing there, nothing needs to be cut; right?

MS. SAFFO: How many places --

I'm not going to debate this.

CHAIRMAN HONIGBERG: Yeah.

Well, then maybe try the question a different way and see if you can get what you need.

BY MS. SAFFO:

Q. Burying a trench along 52 miles alongside a roadside where you have to go in to beyond the currently disturbed areas would have a significant impact; correct?

MR. NEEDLEMAN: Same objection.

CHAIRMAN HONIGBERG: Well, I think the very end of the question may have saved it. I think it turned into a hypothetical at the end.
MR. NEEDLEMAN: As long as it's a hypothetical, that's fine.

CHAIRMAN HONIGBERG: Want to repeat the question, please?

WITNESS DeWAN: I think I understand the question.

BY MS. SAFFO:

Q. Okay.

A. (DeWan) Hypothetically, if it had to go outside of the area that I've described, it may have an effect.

Q. Okay. And the area you described is 6 feet off the pavement.

A. (DeWan) In general. But it may in some places extend to the outer edge of the ditch, which includes the ditch itself. These are the areas that generally you don't find trees because they've already been maintained by the Department of Transportation.

Q. So if I mailed you pictures with tape measurements going 6 feet off the ditch, and you saw there are lots of trees there, would that change your opinion?

A. (DeWan) No, because I wouldn't know where the
underground cable would be located.

Q. Okay. Curbside appeal is important, correct, in front of residences?

A. (DeWan) That's what realtors tell us.

Q. And you're a landscape architect. That's your undergrad degree; correct?

A. (DeWan) That is correct.

Q. Yeah. You rated scenic significance for the overhead portion of this project; correct?

A. (DeWan) That is correct.

Q. But you've submitted no information regarding the underground portion; correct?

A. (DeWan) That's not correct.

Q. Okay. What information have you submitted in writing regarding the underground portion?

A. (DeWan) In the Visual Impact Assessment, we divided the entire study area to various sections, subsections, and our Section 3 deals with the underground section.

MS. SAFFO: Thank you. No further questions.

CHAIRMAN HONIGBERG: All right.

That is the entire list that I have of intervenors to question this panel. Let's go
off the record for a minute.

(Discussion off the record)

CHAIRMAN HONIGBERG: So it looks like we're going to break for the day and resume on Monday and do everything in our power to get through in the morning. I don't see any obstacle there, given the amount of time that the Subcommittee members indicate they have. Again, if past is a good predictor, each of us will ask each other's questions in some instances, and there'll be some give and take and some follow-up. And then again, given what you have done in the past, Mr. Needleman, and your colleagues, I don't expect your redirect to take a long time. So I do think there's a very high likelihood that the panel will be done in the morning.

MR. NEEDLEMAN: In terms of planning, then, we'll have Mr. Varney here in the morning and ready to go.

CHAIRMAN HONIGBERG: All right. We'll look forward to seeing him.

Is there anything else we need to do today before we --
MR. NEEDLEMAN: There's one thing I should probably say, which is to answer your question earlier about the cultural landscape issue.

I had a chance to confer with my colleagues, and we won't object to people asking questions regarding the cultural landscape reports that have been made available. We would hope that those wouldn't be duplicative, and that people and the panel would have in mind that many elements of those reports do relate to historic resources that have already been evaluated, so that people would not ask questions that they could have already asked.

CHAIRMAN HONIGBERG: I'm also optimistic that people will be sensitive to that. And I'm sure Mr. Walker, if he's here when that -- Mr. Walker will probably have to be here when that happens.

MR. NEEDLEMAN: Yeah.

CHAIRMAN HONIGBERG: And he will be sensitive it to as well and alert us if there's a problem.
Any other issues we need to
take up before we leave today?

[No verbal response]

CHAIRMAN HONIGBERG: All right.

Thank you all. We are adjourned.

(Whereupon the Day 34 Afternoon
Session was adjourned at 5:38
p.m., with Day 35 hearing to resume
on Monday, September 18, 2017
commencing at 9:00 a.m.)
CERTIFICATE

I, Susan J. Robidas, a Licensed Shorthand Court Reporter and Notary Public of the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

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

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)
$722,575.16 (1)

[disturbed] (1)

A

ability (4)

able (10)

above (16)

Absolutely (4)

absolutes (1)

abut (9)

abutments (1)

abutters (2)

abutting (3)

accept (25)

accept (33)

access (33)

Aesthetic (1)

afford (1)

allowed (6)

allowing (3)

allow (12)

allowances (1)

allowances (1)

allowed (6)

allowing (3)

allow (12)

allowances (1)

allowances (1)

allow (12)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)

allowances (1)
appeal (1)
appar (6)
appeared (1)
appearing (1)
appears (34)
area (33)
applic (1)
applying (2)
appreciate (2)
appreciation (1)
approach (2)
approaches (2)
array (1)
article (1)
arrive (5)
arrows (1)
arrow (14)
article (1)
Ash (1)
Ashland (9)
assault (9)
assaulted (2)
assumed (2)
assigned (2)
same (2)
assign (3)
assign (2)
assignments (2)
Bas (3)
based (21)
basically (2)
be (1)
be (1)
become (2)
becomes (1)
beside (3)
bicycle (2)
Bikes (2)
Bicycle (2)
Bicycle (2)
Bicycles (3)
Bicycles (2)
Bicycles (2)
Bicycles (2)
Bicycles (2)
Bicycles (2)
Bicycles (2)
Bicycles (2)
Bicycles (2)
Bicycles (2)
create (1)
6:22
created (2)
6:2;14;24:21
creates (1)
68:8
credit (2)
67:1;111:1
crews (1)
173:8
crisp (1)
61:1
criteria (1)
89:2
cross (7)
3:14;18:5;12,13; 19:10;12;19:22
cross-examination (6)
4:20;8;18;9;19;
13:10;13:13;1:2
crossings (3)
123:11;132:17;18
cross-section (2)
64:7,8
cross-sectional (2)
43:21;62:13
crowd (1)
166:13
crowding (5)
174:9;176:24;
177:3,9,11
crude (1)
11:9
crude (1)
11:9
crystal (1)
170:17
cultural (6)
3:15;24:5;81:17;
dancing (1)
154:5
Daniel (1)
21:14
dark (1)
25:21
darn (1)
37:23
data (5)
16:847;14,19,21;
100:10
date (5)
16:11,24;54:20;
96:5;134:24
dated (2)
134:7,24
dates (1)
159:24
Davidson (4)
12:17;30:8,19,22
day (5)
132:11;134:7;
184:4;186:6,8
days (3)
5:19;7:5;85:12
dead (2)
13:11;7:15
deadline (5)
4:21;5;8,20;23,6:6
deadlines (3)
5:10;62:3;7:3
deal (3)
149:1;162:8;
173:24
dealing (3)
50:3;148:23;179:6
deals (1)
183:19
debate (1)
181:11
December (1)
111:16
deciduous (1)
74:9
decision (3)
167:11;169:11;
176:10
decisions (1)
169:8
deck (2)
107:4;128:23
decline (1)
67:10
deeds (1)
116:17
Deerfield (4)
10:11;20:24;46:23;
100:19
defined (2)
82;9;164:4
definitely (1)
132:2
definition (8)
18:24;27:23;69:20;
83:15;20;86:9;87:15;
170:19
definitions (1)
77:18
degree (1)
183:6
delightful (1)
89:24
dense (6)
63:21;74:8;79:6;
163:7;10;164:11
densely (1)
176:22
density (1)
149:11
Department (23)
54:18;57:5;111:7;
128:15;132:12;
133:10;134:1;8;
136:24;137:18;
138:2;10;16,17;
140:15;142:6,12;
156:13;158:12;
165:23;168:9;
169:11;182:19
depend (2)
39;6,7
depends (4)
39;5,11;158:1;
167:5
depict (2)
47:2;114:4
depicted (4)
20:10;34:5;36:19;
37:5
depiction (3)
35:2;45:12;62:6
depicts (1)
73:12
describe (2)
68:22;126:20
described (13)
11:5;18:10;19:22;
31;18:47;9:14,19;
81:15;91:2;146:14;
147:4;182:10,12
describing (1)
162:2
description (7)
10:24;23;24,30;
98:20;99:24;113:21;
131:15
descriptions (1)
98:18
design (2)
155:20;167:10
designate (1)
122:23
designated (9)
11:6;13:18;83:7;
85:10;100:4;167:17;
125:17;173:20,22
designates (1)
43:14
designation (5)
10:22;11:8;12:12;
83:4;102:8
designations (3)
103:4,7,19
designed (1)
64:9
desirable (1)
153:3
desires (1)
143:1
destination (9)
30:10;89;13;
90:11;91;14;92;7,17;
94:96:22
destinations (6)
89:5;17;91:2;6,24;
24
detail (4)
124;2;19;163;13;
178:13
details (1)
125:19
determination (4)
5:18;140;17;
146:24;169:10
determine (3)
23:13;43:15;98:12
develop (2)
41:24;49:17
developed (1)
61:6
development (29)
6:21;10;22:10,
24:23;1,14,15,16,
Guide (2)
58:1;59:14

guidebook (1)
98:22

guidebooks (2)
98:18;99:2

guidelines (2)
51:4,6

guid (1)
9:1

Guy (1)
162:22

H

habitat (1)
60:3

half (6)
7:4;6;49:1;120:10; 132:24;149:16

halftime (1)
148:16

Hampshire (26)
26:20;50:3;54:18; 55:23;58:2;65:9,6; 14:8;18:11;8:21; 113:1;115:16;117:7; 132:12;133:20; 134:1;8;145:24; 156:13;158:11; 165:4;8;169:20; 174:4

Hampshire's (2)
51:23;58:12

Hampton (1)
21:6

handle (1)
173:5

handling (1)
4:3

handwritten (1)
72:10

hang (1)
53:4

Hannigan (1)
138:7

happen (11)
49:10;67:2;68:20; 72:23;85:3;143:4;8; 146:11;169:1;7,18

happened (5)
68:22;24;71:16,22; 72:13

happening (4)
25:17;73:3;104:6; 168:17

happens (1)
185:20

happy (1)
87:22

hard (4)
13:2;35:12;122:21; 124:3

harder (1)
94:19

hardest (1)
122:10

Harvesting (5)
58:2;20;59:4; 67:15,18

head (1)
106:23

heading (1)
174:21

heads (1)
11:19

health (1)
77:21

hear (2)
50:16;123:1

heard (6)
50:16;123:1

hear (2)
77:21

history (20)

historical (4)
39:22;40:2;133:19; 178:22

hit (1)
73:4

hitting (1)
167:3

Hobo (9)
114:22,23;117:1,4; 118:23;119:2,4

Hodgdon's (3)
132:15;136:13; 156:12;157:13; 159:1,11;174:3

Hodgdon's (3)
156:8;158:21; 162:16

holes (1)
143:8

home (2)
100:24;114:21

homes (1)
23:17

Honestly (1)
52:8

I

I-93 (2)
104:21,24

IACOPINO (6)
34:12;17;59:16;24; 60:7;13

idea (5)
13:19;25;15:32;1; 112:23;134:6

ideal (3)
139:8

hypothetical (8)
171:21;172:6,8, 9,11;181:24;182:2

Hypothetically (1)
182:9

hypotheticals (1)
162:9

II

impact (35)
6:14;55:15;18; 61:20;66:17;75:16; 80:5,16;102:11; 105:18,23;123:12; 124:2;120:16; 127:20;131:12; 133:18;135:6;143:3; 146:9;147:2;16;10; 148:22;149:5;9; 150:1;152:10; 167:14;178:18; 180:2;181:19;183:16

impacted (4)
158:4;6;164:23; 175:4

impacts (13)

implications (1)
177:9

implies (5)
76:13,15;84:8; 90:8,9

importance (1)
176:21

important (6)
6:13;22;22;23;9; 127:15;183:2

importantly (2)
133:17;175:5

impossible (1)
147:17

inaccurate (2)
170:20;173:1

inappropriate (2)
159:52:15

inaudible (1)
obituary (2)  
15:10;16:4

object (3)  
52:2;55:2;185:6

objecting (3)  
16:18;61:6;177:8

Objection (25)  
16:5;26;22:49;20; 
56:5;11;21:60;11:24; 
69:10;71:12;73:13; 
77:17;75:10;20:28; 
110:19;19:11;11; 
122:1;125:23; 
153:11;154:1;15; 
158:16;170:21; 
180:4;181:20

objective (3)  
134:20;22;138:11

objects (1)  
46:10

obscure (1)  
124:3

observation (1)  
86:1

Observations (2)  
23;8;74;4

obstacle (1)  
184:7

obstructing (2)  
44:23;47:7

obtained (1)  
128:14

obviously (1)  
181:4

occasions (1)  
98:21

occupy (4)  
160:10;163:2; 
174:10;175:2

occur (2)  
67:4;69:2

occurred (1)  
66:18

occurrence (1)  
72:22

occurs (2)  
36:15;65:11

October (4)  
115:17;132:9; 
134:5;135:17

Off (21)  
9:14;16;76:10; 
92:20;22:100:1; 
129:12;13:140:2; 
141:16;142:15; 
146:23;148:18; 
159:22;167:2;168:4; 
170:11;182:13:21; 
184:1,2

offer (1)  
33:1

offering (2)  
54:15;99:24

Office (1)  
132:15

off-road (1)  
84:9

often (2)  
73:4;163:8

old (12)  
12:4;6;17:16; 
32:17;35:2;36:10;21; 
37:13;38;16;24; 
161:20;164:12

once (2)  
39:12;14:9

One (82)  
3:11;4;22:7;3:5,14; 
16:8;12:11;16:14;14; 
16:15;17;1:28:2; 
31:10;15;16;33:14; 
15:35;10;37:2;22;23; 
38:14;42;16;18;43:2; 
48:21;50;11;52:12; 
54:8;57;21;21;59:10; 
21:61;5;63;11;64:6; 
66:3;68;16;73:9; 
75:14;76;11;79:23; 
23:24;84;3;85:13; 
88:9;13;89;2;29;14; 
95:16;97;18;101:5; 
107:8;17;112:13; 
116:13;122:8; 
123:11;16;131:18; 
135:6;137:9;138:5; 
139:22;140:6;141:7; 
142:15;146;8;152:5; 
17:23;153:9;159:13; 
161:21;23;170:7;79; 
179:23;185:1

ones (5)  
47:9;103:23;106:7; 
107:6;119:21

one’s (1)  
79:24

online (4)  
39:24;40;4:98;18; 
99:22

only (24)  
6:2;20:18;19; 
14:13;18;7:17;14; 
20:26;16;29:13; 
32:14;44:16;10:13; 
63:3;65:5;69:8; 
85:23;87;12;99:29; 
114:9;133:11;149:8; 
16:17;15:17

onto (4)  
77:11;79:18; 
131:21;145:13

oops (2)  
68:3;73:9

open (2)  
170:7;8

opening (3)  
14:24;31:19;72:1

operate (2)  
51:3,11

operated (1)  
15:23

operations (1)  
78:8

operative (1)  
143:13

operator (1)  
89:7

operators (1)  
115:20

opinion (2)  
181:4;182:23

opportunity (1)  
68:9

opposed (3)  
28:1;65:24;91:22

opposite (3)  
43:22;128:9; 
157:10

optimistic (2)  
169:23;185:17

order (17)  
3:10;13:4;18:7:10; 
8:13;57:11;92:13; 
118:11;129:21; 
130:5;139:12; 
148:11;125:12; 
153:6;16;166:24

orderly (1)  
6:1

ordinance (1)  
51:10

organizations (1)  
111:11

orient (1)  
100:15

orienting (1)  
14:12

originally (1)  
164:8

others (2)  
144:21;150:3

other’s (1)  
184:10

out (33)  
8:6;11:21;13:3; 
23:13;24;24;6:6;13; 
27:9:4;18;52:13; 
59:10;60;21;61:10; 
70:2;79:11;81:19; 
89:12;103:23; 
105:22;108:16; 
112:14;121:11; 
123:4;15;124:4; 
136:3,18;141:8; 
149:8;155:20;164:8; 
166:17;18

outcome (1)
outcrop (1) 37:8
outside (11) 139:23;147:7,19;20:182:15
outlined (2) 19:14,15,17
outside (11) 90:5;141:24;152:3;158:8,15;160:5,22;164:17;178:10,17;182:10
outstanding (1) 129:20
oval (1) 45:20
over (26) 40:12,18;44:24;73:8;85:11;101:9,19;105:3,15;106:16;107:8,10;10:15,17;114:13;122:6;126:17;141:16,21;150:24;153:10;163:22;169:1,2;170:5;171:8;173:22
overall (5) 19:20;66:16;120:11;138:11;147:11
overhead (1) 183:9
own (2) 17:14;55:16
owned (3) 112:20;124:16;142:6
owner (2) 75:2;113:1
owners (5) 51:3;126:24;127:13;16:14,5:12
ownership (3) 113:23;126:5;127:18
owns (4) 113:20;116:8,11;127:10

P

paddlers (1) 29:4

| 37:8 | 126:20 | 85:7 |

Paper (2) 115:13,20
paragraph (11) 139:23;147:7;20;182:15
parts (2) 5:11,15
pay (5) 14:19;22:8;22:22;55:20;121:15;137:11;141:16
peace (1) 8:20
places (17) 52:12;55:5;29:22;70:11,13;71:2;85:18;19:9,1:9,22;99:1;106:14;141:1;152:2;13:181:10;182:15
plain (1) 72:4
Plan (5) 136:21;22;137:2;3;180:9
planning (1) 184:19
please (6) 123:8
plausible (1) 184:19
pleas (6) 33:1;36:7;42;19;91:18;120;10:182:4
pleasing (1) 174:15
P.L.L.C. (1) 132:15
plowed (1) 89:10
Point (12) 15:11;21:6;7,15;17:22;16;12:17;19;113:2;114:1;176:13;180:1
pm (6) 3:2;61:14,15;129:16;17:168:6
point (34) 13:17;28:6;14;31:13;42:15;43;1;44:5;20;21;46;4:48;6

Min-U-Script®
SUSAN J. ROBIDAS, N.H. LCR
(603) 540-2083 shortrptr@comcast.net

14) outcrop - point
RAIL

rail (3)
113:14;115:15; 118:3
railroad (34)
23:18;101:13,15; 108:9;109:23,24; 110:2;8,9,12;112:18; 20:114:22,23; 115:19;116:8,11; 117:4;5,18;22;118:5; 23;119:3;4;120:3;6,9; 23;121:3;10,15,24; 132:17
railroads (3)
113:8;10;119:21
rails-to-trails (1)
81:24
rains (1)
115:6
range (1)
48:24
rate (1)
72:5
rated (1)
183:8
rather (2)
21:6;88:18
reach (4)
5:7;7:12;9:4,5
reached (1)
169:11
reaction (2)
76:6;136:23
read (45)
13:3;15:13,19; 21:1;23;30:13;42:14; 19:45;20;51:23; 52:20;22;53:12,14; 20:54:11;58;17;59:8; 9,10:12,24;72:9; 73:18;79:7,8;83:22; 99:22;104:3;111:5; 112:4;16;14:7; 115:4;116:1;6; 119:15;122:10,19; 150:7;156:23; 157:11;16;159:18; 175:11
reader (1)
20:1
reading (11)
15:19;45:12;53:17; 24:59:7;122:21; 124:12;133:4; 165:15;17;174:12
ready (3)
6:20;9:13;184:20
real (2)
51:17;130:13
reality (2)
27:20;162:9
really (8)
5:16;8:25;22; 63:17;70:20;92:24; 111:1;178:13
realtors (1)
183:4
reason (9)
51:13;74:6;75:10; 79:20;96:19;105:17; 109:1;135:12;161:8
reasonable (1)
129:2
reasons (7)
60:1;67:22;68:2;5; 85:13;135:6;136:20
rebuilt (1)
151:7
recall (16)
recap (1)
77:8
received (2)
100:9;103:22
receiving (1)
81:19
recent (1)
138:8
recently (1)
129:21
recess (2)
61:14;129:16
recognize (8)
36:23;43:7;44:20; 46:21;47:1;93:17; 120:2;165:10
recognized (3)
32:24;55:4;70:11
recollection (5)
10:24;105:6; 161:13;171:8;178:1
recommendation (1)
30:9
recommended (1)
82:4
record (22)
9:14;15;15:11; 16:24;21;22;33:1; 52:20;23;53:20;21; 24;55:10;61;7;92:21; 22;116:2;129:12; 19;135:9;184:1,2
recorded (1)
159:24
recounts (1)
171:5
recreate (1)
65:3
recreation (8)
19;11;13;16;23; 73:21;90:7;100:16; 111:9
Recreational (6)
10:7;84;4:97:9; 100:10;111:10,14
red (9)
10:5;6;43:14;62:6; 79:6;101:19;20:4; 122:19;20
redirect (1)
184:14
reduce (1)
133:19
reduced (1)
156:22
reducing (1)
133:15
refer (1)
19;13
reference (3)
19:6;33;17;59:18
references (1)
39:24
referring (2)
23:7;30:12
refers (1)
27:24
reflected (1)
176:21
refresh (2)
50:14;18
refreshed (1)
51:7
regard (2)
55;14;17
regarding (5)
114:6;129:22; 183:11;15;185:7
Register (1)
87:10
regular (2)
109:23;166:16
regularly (1)
18:3
regulations (2)
37:5;58:21
reiterate (1)
8:22
relate (1)
185:12
related (1)
4:19
relationship (1)
62:20
relative (4)
32;24;4;42;46;8; 62:17
relatively (6)
7:22;9:24;11:3;11; 36:9;176:21
relaying (2)
165:22,24
Relevance (5)
16:6;18;17;21; 69:11;71:13
relevant (5)
18:8;91:7;145:18; 163:21,24
related (1)
78:12
relating (4)
66:16;67:24;73:24; 138:4
remain (2)
52:14;63:9
remaining (1)
5:9
remember (4)
10;1;14;11;3;29:23
remind (2)
18:10;29:1
remnants (1)
42:3
remote (1)
73:2
removing (4)
149;20;21;22,22
rent (1)
30:23
rents (1)
30:23
remind (2)
18:10;29:1
remained (1)
150:4
require (2)
149;20;21;22,22
rented (1)
21:19
resources (36)
136:12;172:4
reports (3)
3:15;185:8,12
report's (1)
43:10
represent (5)
47:15;64:12; 107:18;120:13;130:7
representation (3)
47:13;18;120:19
represents (3)
28;6:4;13:104:10
request (3)
4;6:11;136:18
Requested (1)
111:5
requesting (1)
3:17
require (2)
57:14;78:1
required (4)
78:23;83:19;115:6; 181:6
requirements (3)
130:1;15;173:4
requires (3)
52:4;6;148:15
residence (4)
86:8;14;17;87:13
residences (9)
86:8;160:17; 161:10;162:4; 176:23;177:4;12,17; 183:3
resident (1)
91:22
residents (14)
29:4;13;73:22; 90:13;16;19;91:4;11; 92:1;5;93:2;151:6; 156:18;164:21
resist (1)
38:1
resolution (2)
47:22;101:18
resource (37)
18;11;13;20:7; 23:12;61;21;78:4; 81:5;83:3,17;21;87:5; 5,7;88:23;94:8; 96:20;21;97:11; 99:17;107:15; 108:13;109:2;10; 117:22;23;118:1;4,6; 12;21;119:3;120:24; 121:2;23;128:10; 163:15;165:10
resources (36)
18:24;19;22;3;5; 76:5;80:13;81:3;4,7; 12,16;23;83:15;18; 84;2;15;85:9;86;9; 87:15;21;92:13,14;
testifying (1) 61:1


testimony's (1) 180:8

Thanks (1) 115:22

thereby (1) 133:15

there'd (1) 133:15

therefore (6) 152:9

thereby (1) 115:22

there'll (1) 109:9

therefore (6) 62:19;97:11;109:9; 156:4;160:2;168:1

there'll (1) 141:14

thin (1) 68:12

thought (13) 6:13;68:19;84:12; 98:23;99:23;102:10; 142:15

thoughtful (1) 126:6;131:14;155:9; 171:8

thoughtful (1) 5:16

thought (1) 126:6;131:14;155:9; 171:8

thought (1) 5:16

thoughtful (1) 5:16

threaten (1) 67:23

three (6) 15:5;7:35;19; 44:17;54:24;125:7

throughout (3) 57:16;71:3;76:8

thus (2) 72:4;115:9

ties (1) 110:11

Timber (2) 58:2,20

times (7) 24:15;33:15;35:19; 69:12;77:6;116:23; 119:15

timing (1) 7:19

tiresome (1) 100:12

title (1) 40:13;169:20

ten (1) 61:13

tend (1) 10:15

ten-minute (1) 61:9

tenths (2) 162:13,14

term (2) 11:8;141:6

terms (5) 6:17;24:12;127:6; 138:23;184:18

terrain (5) 47:17;104:23; 133:21;175:8,13

test (2) 124:12,12

testified (5) 55:2;69:11;125:23; 145:8;150:3
wherever (1)
133:18;163:8;168:7,170:1.3;175:17;177:6,13
without (1)
28:10,55:14,17,17;77:12,13;125:18;136:14;147:18;159:4;160:3
witness (21)
6:17;8:3,15;24:3;31:4,32:22,33:3,12;50:20;51:2,8;61:12;69:11,24;76:1;116:12,16;122:14;161:18;172:10;182:5
witnessed (1)
27:11
witnesses (15)
4:23:5,2:9;6:1,20;7:5,8;22;9:8;128:22;129:23;130:2,4,10;11,12
Wolfeboro (1)
115:19
wonderful (1)
100:1
wooden (1)
110:6
woodland (2)
76:8,79:6
woods (4)
25:21,27:14;149:3;164:11
Woodstock (3)
176:13,16;180:1
word (21)
14:15;21:3;104:14;121:8;122:22,23;123:3;124:5,6,7,8,9;155:18,19,156:3,5;157:9,17;177:2,8;180:21
wording (1)
173:17
words (2)
62:21;89:7
work (10)
7:12;59:2,3,14,22;88;22;138:14;145:4;164:17
worked (2)
62:20;173:8
working (1)
119:21
works (3)
13:21;172:12
where's (1)
135:18
where’s (1)
107:21
Whichupon (2)
129:16;186:6
wherever (1)
150:13
white (7)
15:5,7;95:10,12;23;96:8;163:18
Whoa (3)
53:5,5,6
whole (7)
16:18;18:14,17;84:6,100:12;169:4;170:5
wide (2)
36:12;146:4
Widell (1)
3:12
widening (2)
175:7,13
widest (1)
146:3
width (6)
16:18;18:14,17;76:8,79:6
width (2)
3:12
whole (26)
7:23;49:12;50:24;54:13;66:11,12;82:9;91:5,10;64:10,12;82:2;125:20;133:7;134:13,21;139:24;145:14;151:1;156:19;157:1;163:8;168:7,170:1.3;175:17;177:6,13
within (11)
28:10,55:14,17,17;77:12,13;125:18;136:14;147:18;159:4;160:3
witness (21)
6:17;8:3,15;24:3;31:4,32:22,33:3,12;50:20;51:2,8;61:12;69:11,24;76:1;116:12,16;122:14;161:18;172:10;182:5
witnessed (1)
27:11
witnesses (15)