

**STATE OF NEW HAMPSHIRE**  
**SITE EVALUATION COMMITTEE**

**September 18, 2017 - 1:40 p.m. DAY 35**  
49 Donovan Street **Afternoon Session ONLY**  
Concord, New Hampshire {**REDACTED** - for public use}

*{Electronically filed with SEC 09-2-17}*

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

**PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:**

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

**ALSO PRESENT FOR THE SEC:**

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

Pamela G. Monroe, SEC Administrator

*(No Appearances Taken)*

**COURT REPORTER: Cynthia Foster, LCR No. 14**

I N D E X

WITNESS

ROBERT W. VARNEY

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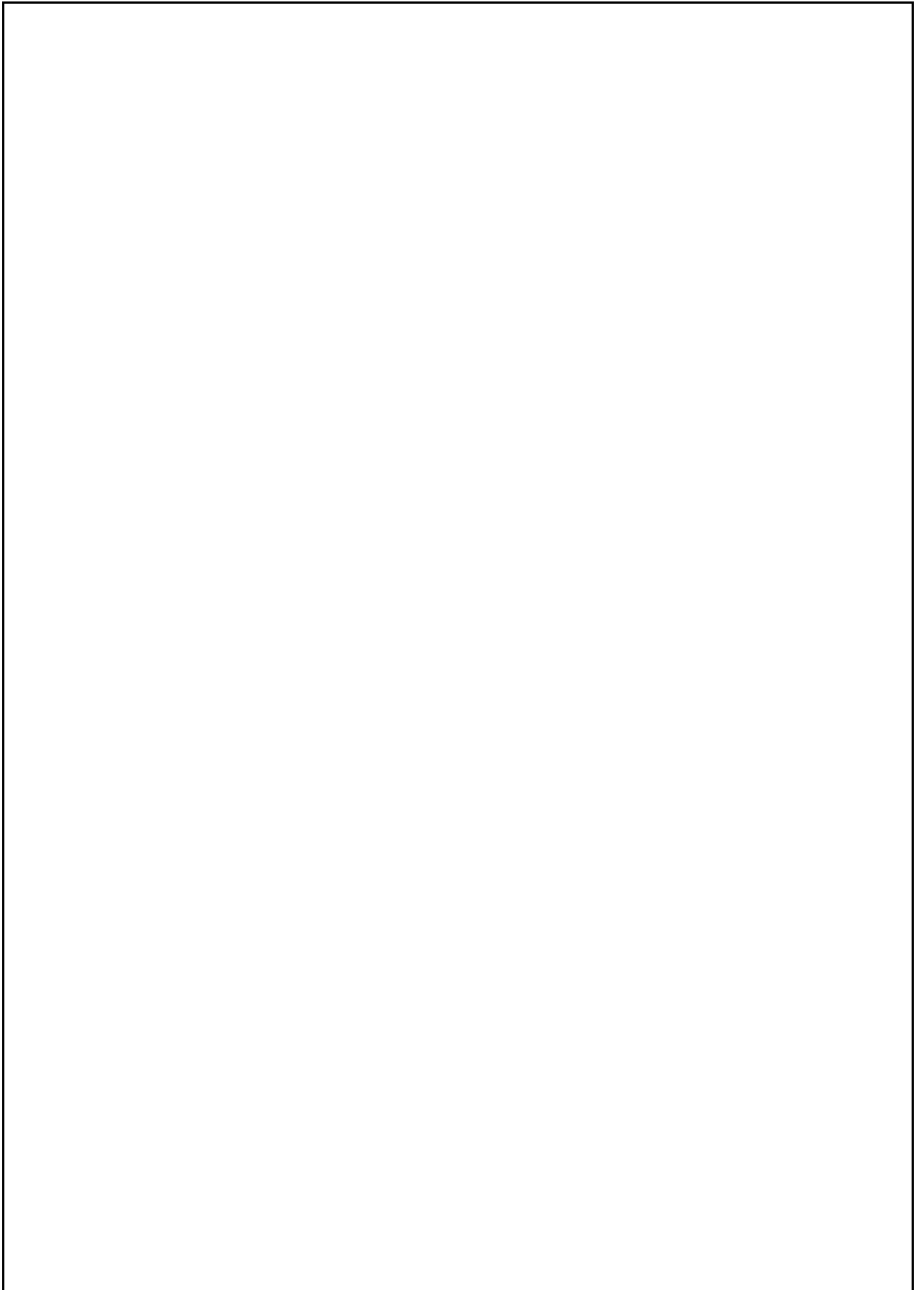
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**P R O C E E D I N G S****(Hearing resumed at 1:40 p.m.)**

PRESIDING OFFICER HONIGBERG: Sorry for the delay.

We're ready for the next witness. I see Mr. Varney is already in place. Mr. Needleman?

**ROBERT W. VARNEY, DULY SWORN****DIRECT EXAMINATION****BY MR. NEEDLEMAN:**

Q Mr. Varney, could you state your full name for the record and where you work?

A Yes. Robert W. Varney. President of Normandeau Associates based in Bedford, New Hampshire.

Q And just briefly, what is the purpose of your testimony here or your role in this case?

A To testify on Land Use and Orderly Development.

Q And I've given you two exhibits. The first one is Applicant's Exhibit 20 which is your October 16th, 2015 Prefiled Testimony. The second exhibit is Applicant's Exhibit 96 which is your April 17th, 2017, Supplemental Prefiled Testimony. Do you have those both?

A Yes.

Q Do you have any changes to either of those

1 pieces of testimony?

2 A No.

3 Q Do you adopt both and swear to them today?

4 A I do.

5 MR. NEEDLEMAN: All set, Mr. Chair.

6 PRESIDING OFFICER HONIGBERG: I see no one  
7 before Counsel for the Public on the list in  
8 front of me. I think that's right. So  
9 Mr. Pappas, it looks like you're up.

10 MR. PAPPAS: It is. Thank you,  
11 Mr. Chairman.

12 **CROSS-EXAMINATION**

13 **BY MR. PAPPAS:**

14 Q Good afternoon, Mr. Varney.

15 A Good afternoon.

16 Q I want to start by asking you the purpose of  
17 your testimony, and it's in your Prefiled  
18 Testimony and we're going to put Applicant's  
19 Exhibit number 20, and if you look on page 3,  
20 starting with line 7, the question, the question  
21 is -- I'm sorry. Line 1. The question is  
22 what's the purpose of your testimony, and as I  
23 understand it, two things. You're going to  
24 testify about today and after today first is to

1 provide your opinion on potential impacts of  
2 construction and operation of the Project on  
3 local land use, correct?

4 A Yes.

5 Q And the second opinion that you're offering is  
6 that the Project will not unduly interfere with  
7 the orderly development of the region, correct?

8 A Yes.

9 Q Okay. So let me start by asking you some  
10 questions about the impact of the Project on  
11 local land use.

12 Now, I understand you looked at the impact  
13 on each of the 31 municipalities that host the  
14 Project; is that right?

15 A Yes. In a holistic way going from north to  
16 south for the entire Project route.

17 Q Okay. So you did a townwide assessment for each  
18 of the 31 towns?

19 A A Project-wide assessment as well as looking at  
20 the planning regions and the individual  
21 communities that host the Project.

22 Q Okay. All right. I was going the other way  
23 from town to region to Project, but that's fine  
24 as well.

1 A Okay.

2 Q I understand that you didn't do analysis of any  
3 specific location within any of the towns; is  
4 that right?

5 A Well, I looked at the Project route through each  
6 community, and it describes the prevailing land  
7 uses that the route is located in so it, it is  
8 specific in describing the route from north to  
9 south through each community and is divided by  
10 community.

11 Q But you didn't take any specific location within  
12 any one town and analyze any impact on that  
13 specific location, correct?

14 A We described the uses that were prevailing land  
15 uses along that corridor and looked at distances  
16 associated with various land uses as well.

17 Q But that -- let me ask you one more time. You  
18 didn't take a specific location, a business, a  
19 farm, or a specific location and analyze any  
20 impact to that specific location, correct?

21 A No separate reports on specific locations.

22 Q Thank you.

23 As I understand your first opinion is that  
24 in terms of the potential impact on each town,



1           there will be no adverse impact from  
2           construction of the line and operation of the  
3           line, correct?

4       A    No significant impact, permanent impact,  
5           associated with the operation of the Project.  
6           There will be temporary impacts, obviously, as  
7           there is with any linear construction project.

8       Q    Is it your opinion that those temporary impacts  
9           will or will not be unreasonable or unreasonably  
10          adverse?

11      A    Based on the information that I've previewed, I  
12          think that they can be carried out in a  
13          reasonable way with minimal impact on adjacent  
14          land uses.

15      Q    Or to use the language of the statute, in your  
16          opinion they won't unduly interfere with uses  
17          along the route; is that your opinion?

18               MR. NEEDLEMAN:  Objection.  I don't think  
19          that's the statutory standard.

20      A    Will not unduly interfere with the orderly  
21          development of the region.

22      Q    Is it your opinion that the impact from  
23          construction won't unduly interfere with the  
24          local land uses in the 3 towns?

1 A Again, there will be temporary impacts  
2 associated with the construction, but once  
3 constructed, there will be very little, if any,  
4 impact on land use along the right-of-way.

5 Q During construction? Is it your view that the  
6 construction will or will not unduly interfere  
7 with any of the land use that the Project goes  
8 through?

9 A Again, I didn't make a judgment on unduly  
10 interfering with land use during construction.  
11 I've acknowledged that there are always  
12 temporary impacts associated with construction,  
13 and it's important to carefully manage those  
14 impacts and to work with local property owners  
15 and business owners along the route to manage  
16 that process, just as DOT, Water and Sewer  
17 Departments, gas companies and other utilities  
18 do throughout the state.

19 Q So just so that I'm clear, you did look at the  
20 potential impact on land use from construction,  
21 correct?

22 A I didn't do a special study on construction  
23 impacts, but I did consider it. I also reviewed  
24 the information in the Draft EIS that was

1 associated with construction as well as the  
2 assessment by Tom Wagner, the Forest Supervisor,  
3 who just recently issued a letter about the ROD  
4 for the Project. But that letter is a summary  
5 of some of those construction issues. I did not  
6 base my opinion on his letter. But it lays out  
7 the fact that there obviously are, everyone  
8 acknowledges that there will be some short-term  
9 construction impacts on adjacent property  
10 owners, and it's very important for the SEC and  
11 for the Applicant to try to ensure that those  
12 impacts are minimized for the property owners  
13 along the way.

14 Q Okay. But let me be clear. You considered  
15 construction impacts, but you're not offering  
16 any expert opinion on whether those construction  
17 impacts either are reasonable or unreasonable or  
18 unduly interfere or do not unduly interfere,  
19 correct?

20 A I have the assumption that these impacts will be  
21 carefully managed, and working with local  
22 landowners it can be done in such a way that's  
23 reasonable and will not adversely affect them on  
24 an ongoing basis. There will be a temporary

1 impact.

2 Q I apologize for beating a dead horse, but I  
3 think I do need an answer to are you rendering  
4 an expert opinion on whether or not the impact  
5 from construction of the Project will reasonably  
6 or unreasonably interfere with land use along  
7 the route?

8 A I --

9 Q You need to answer yes or no and you're happy to  
10 explain afterwards.

11 A I have offered an opinion that says that the  
12 impacts to land use will be temporary and  
13 localized and minimal, and that during the  
14 construction process the potential impacts will  
15 be carefully managed.

16 Q Will those temporary localized minimal impacts  
17 unduly interfere with the use of land along the  
18 route?

19 A Will not unduly interfere with the Orderly  
20 Development of the region which is the standard  
21 for the Site Evaluation Committee.

22 Q Do you have an opinion as to whether it will  
23 unduly interfere with the operation of any of  
24 the local land use during construction?

1 A I don't see any reason why there would be any  
2 significant adverse effect beyond the temporary  
3 impacts.

4 Q Okay. And you're offering that as an expert  
5 opinion?

6 A Yes.

7 Q Okay. Fair enough.

8 And your second opinion as I think you've  
9 mentioned is the Project will not unduly  
10 interfere with the Orderly Development of the  
11 region, correct?

12 A Correct.

13 Q And how many regions will the Project be built  
14 in?

15 A Well, it will be in portions of four Regional  
16 Planning Commissions.

17 Q Okay. And it's your opinion that the Project  
18 will not unduly interfere with the development  
19 in any of these four regions?

20 A Will not interfere with the orderly development  
21 of those regions.

22 Q Okay. You're very familiar with the SEC  
23 process, correct?

24 A Yes.

1 Q In fact, you used to sit on the SEC, and I  
2 believe you Chaired it as well; is that correct?

3 A Yes.

4 Q And your Prefiled Testimony contains your  
5 qualifications as an expert witness, correct?

6 A Yes.

7 Q And there's no need for me to review them. I  
8 think everybody can read them. Now, you've  
9 offered expert opinions after a sufficient  
10 amount of study and analysis, correct?

11 A Yes.

12 Q And your analysis used a recognized and accepted  
13 methodology, correct?

14 A I think, there is no standard methodology, but I  
15 would say that based on other Applications that  
16 I've seen that it goes far beyond anything that  
17 I've ever seen as it relates to land use and  
18 orderly development.

19 Q And did you use the same study and analysis and  
20 methodology for all of the expert opinions  
21 you're rendering today?

22 A I'm not following the question.

23 Q Sure. You would agree with me in order for an  
24 expert to render an expert opinion they need to

1 do a sufficient amount of study and analysis of  
2 the subject, correct?

3 A Yes.

4 Q And do you feel that you've done sufficient  
5 study and analysis of each subject on which  
6 you're rendering an expert opinion?

7 A Well, yes. As it relates to land use it is  
8 associated with the land use report that's been  
9 prepared. Also Master Planning reports, and  
10 then as it relates to the other topics under  
11 Orderly Development, the Prefiled Testimony and  
12 Supplemental Testimony of Jim Chalmers and Lisa  
13 Shapiro, Mitch Nichols and who am I leaving out?

14 Q Dr. Chalmers?

15 A Dr. Chalmers, yes.

16 Q So I want to make sure I'm clear on the  
17 distinction.

18 A Julia Frayer. I'm sorry. That was the name I  
19 forgot.

20 Q Okay. For land use, you yourself have done  
21 sufficient analysis and study to render an  
22 expert opinion, correct?

23 A We reviewed existing land use along the entire  
24 right-of-way, and included maps of the route,

1 oftentimes layered on top of existing land use  
2 maps that we were able to obtain from the local  
3 communities and/or the Regional Planning  
4 Commissions. And I think it provided a fairly  
5 accurate overall description of land use along  
6 the right-of-way. There may be some minor  
7 changes here and there, perhaps, but overall, it  
8 provides a good general overview of what's along  
9 the right-of-way, the prevailing land uses that  
10 exist in which the Project is located.

11 Q So you feel, you are confident that you yourself  
12 have done sufficient analysis of study of the  
13 issues related to land use to render your expert  
14 opinion on land use, right?

15 A Yes.

16 Q And would you agree with me that there's a  
17 difference between rendering an expert opinion  
18 and having a view on a subject matter? In other  
19 words, you could render an expert opinion and  
20 that's different from having a view on a subject  
21 matter.

22 A Well, the expert opinion is to review the facts  
23 and base your opinion on factual information.

24 Q Okay. And in order to render an expert opinion



1 as I think I just said a moment ago, you have to  
2 engage in sufficient study or analysis of the  
3 facts in order to render that opinion, correct?

4 A Yes. And also within the context of my  
5 background and experience.

6 Q Okay. So let me ask you this question. You're  
7 not an economist, are you?

8 A I have a degree in economics.

9 Q Do you consider yourself an economist?

10 A I haven't called myself that for quite a long  
11 time.

12 Q You don't work with economic models, do you?

13 A No. But I was very familiar with the REMI model  
14 when I was more engaged in economic development  
15 related issues.

16 Q You didn't use the REMI model for work in this  
17 case, did you?

18 A No. Absolutely not.

19 Q And you would probably agree with me that NPT  
20 retained Julia Frayer as its economic expert,  
21 right?

22 A Yes.

23 Q And Ms. Frayer wrote an Expert Report and filed  
24 Prefiled Testimony in October of 2015, correct?

1 A Yes.

2 Q And did you read her report and Prefiled  
3 Testimony after it was filed?

4 A Before it was filed, I believe. I believe I saw  
5 it, a draft, before it was submitted to the SEC.

6 Q Do you remember when you saw that draft?

7 A I can't recall, but it would have been in  
8 advance of my filing my Prefiled Testimony  
9 because I referred to it in my Prefiled  
10 Testimony.

11 Q Would you have reviewed it more than 30 days  
12 before?

13 A I can't recall. It's been quite a few months  
14 now.

15 Q Um-hum. Do you think it would have been more  
16 than 6 months before you filed your Prefiled  
17 Testimony?

18 A I can't recall.

19 Q Okay. Now, Ms. Frayer used economic models in  
20 her analysis, correct?

21 A Yes.

22 Q And she offered expert opinions in her report in  
23 Prefiled Testimony on economic issues, correct?

24 A Yes.

1 Q And you're not offering in this proceeding any  
2 expert opinions on any of the economic issues  
3 addressed by Ms. Frayer, are you?

4 A No.

5 Q And as I understand it, you're testifying as a  
6 professional land use planner, correct?

7 A Yes.

8 Q You're not testifying as an economic expert?

9 A No.

10 Q And would I be correct in saying that you're not  
11 testifying today in any expert capacity other  
12 than as a professional planner, correct?

13 A Well, as it relates to land use and also having  
14 reviewed the criteria for Orderly Development  
15 and ensuring that it's not an unreasonable  
16 adverse effect, and I looked at the testimony of  
17 and relied on the testimony of the other four  
18 experts that are included under Orderly  
19 Development.

20 Q Let me ask you this. You're not rendering any  
21 expert opinions on any of the tax issues,  
22 correct?

23 A No. That was done by Dr. Shapiro.

24 Q So I would be correct, you're not testifying as

1 a tax expert, correct?

2 A Correct.

3 Q And you're not testifying as an expert on  
4 property values, correct?

5 A Again, I relied on the expert testimony of a  
6 highly credentialed expert.

7 Q Yeah. Your Prefiled Testimony lists the reports  
8 you read, and it indicates you read Ms. Frayer's  
9 report?

10 A Yes.

11 Q And you read Dr. Chalmers' report, and you read  
12 Mr. Nichols' report, and you read Dr. Shapiro's  
13 report, correct?

14 A Yes. All of them.

15 Q But, for instance, you're also not testifying as  
16 an expert in tourism, are you?

17 A No. I am not. I did, though, very carefully  
18 review the report.

19 Q Okay. So make sure I am clear, you read the  
20 report of those four experts, but today you're  
21 not testifying as an expert on economic issues,  
22 on property value issues, on taxes, or economic  
23 issues, correct?

24 A I'm not here to testify on any specific elements

1 of their reports, but I did very carefully  
2 review them and I found them to be well done by  
3 highly qualified people who I think did a great  
4 job of describing those four issues.

5 Q And that's your view of their reports, correct?

6 A Yes.

7 Q But you don't offer that view as an expert. You  
8 offer that view as your general review of their  
9 reports, correct?

10 A Yes.

11 Q So up on the screen now, Mr. Varney, is that in  
12 front of you?

13 A Yes.

14 Q On the screen now is Counsel for the Public's  
15 487 which is a copy of RSA 162-H:16, and what's  
16 highlighted is the portion of 162-H:16, IV, that  
17 indicates, "In order to issue a certificate, the  
18 committee shall find that the site and facility  
19 will not unduly interfere with the orderly  
20 development of the region with due consideration  
21 having been given to the views of municipal and  
22 regional planning commissions and municipal  
23 governing bodies." Do you see that?

24 A Yes.

1 Q Is that what you considered in order to render  
2 your expert opinion on Orderly Development?

3 A Oh, I certainly did consider views of  
4 municipalities.

5 Q No, I'm asking you what I just read. Is that  
6 the standard, if you will, that you used in  
7 rendering your expert opinion on Orderly  
8 Development?

9 A That's one of the findings that the SEC must  
10 make.

11 Q But is that what you relied on in rendering your  
12 expert opinion?

13 A Again, I'm not following the question. This is  
14 a finding that the SEC must reach that's in RSA  
15 162-H.

16 Q My question is a little -- I think --

17 A I don't know --

18 Q Let me see if I can help. My question is, in  
19 order to render your opinion that this Project  
20 will not unduly interfere with orderly  
21 development, is this what you looked to, what  
22 I've highlighted here?

23 A That's one of the factors that I looked at. Not  
24 exclusively.

1 Q Okay. But you considered everything that's in  
2 the highlight?

3 A I considered that as well as prevailing land  
4 uses, the impact on the economy and jobs, real  
5 estate values, taxes, tourism and recreation,  
6 community services and infrastructure that are  
7 all in the SEC rules.

8 Q So on the screen now is Counsel for the Public's  
9 Exhibit 138. This is the Site 301.15 criteria  
10 relative to a finding of undue influence in the  
11 SEC regulation; is that what you're referring  
12 to?

13 A Yes.

14 Q Okay. All right. And if you look at this, it  
15 indicates the items that the Committee shall  
16 consider relative to finding of undue influence,  
17 correct?

18 A Yes.

19 Q And the first item is whether or not the  
20 proposed facility will affect land use; do you  
21 see that?

22 A Yes.

23 Q And you studied and analyzed that opinion and  
24 rendered an opinion expert opinion on that; is

1           that correct?

2       A     Yes.

3       Q     The second issue is whether the proposed  
4           facility will affect employment. Do you see  
5           that?

6       A     Yes.

7       Q     Now, you didn't study or analyze that issue,  
8           correct?

9       A     No. I relied on the Expert Testimony of Julia  
10          Frayer for the employment information.

11      Q     All right. So that's not your expert opinion.  
12          That's an expert opinion that Ms. Frayer gave?

13      A     I reviewed and considered it.

14      Q     But you reviewed and considered it.

15      A     Yes.

16      Q     But you yourself didn't render an expert opinion  
17          on the employment issue, correct?

18      A     No. I did not.

19      Q     Okay. And then the next item is the Committee  
20          shall consider the effect on the economy of the  
21          region, do you see that?

22      A     Yes.

23      Q     And again, you're not rendering an expert  
24          opinion on that issue. You read and considered



1 Ms. Frayer's opinion on that, correct?

2 A Yes.

3 Q And then under item (b), the Committee shall  
4 consider the provisions of and financial  
5 assurances for proposed decommissioning plan for  
6 the proposed facility; do you see that?

7 A Yes.

8 Q Now, your Prefiled Testimony and Report doesn't  
9 talk about the decommissioning plan, correct?

10 A Correct.

11 Q That's not something that you considered,  
12 correct?

13 A No. I didn't include that as part of my  
14 Prefiled Testimony. It was covered by another  
15 witness.

16 Q And so fair to say you're not rendering an  
17 expert opinion on the decommissioning plan?

18 A Correct.

19 Q And then the third item under (c) says that the  
20 Committee shall consider the views of the  
21 municipal and regional planning commissions. Do  
22 you see that?

23 A Yes.

24 Q And I understand that you met with them and

1           obtained information from them, correct?

2       A     I not only met with them, but I considered  
3           comments that were made at some of the public  
4           meetings as well as written letters that related  
5           to the Project.

6       Q     And those public meetings and letters would have  
7           been up until the time you issued your Prefiled  
8           Testimony, correct?

9       A     Correct.

10      Q     Okay. And then it also talks about considering  
11           the views of municipal governing bodies; do you  
12           see that?

13      A     Yes.

14      Q     Now, you didn't meet with any municipal  
15           governing bodies, did you?

16      A     No. But again, I reviewed any environmental  
17           views that were expressed in writing which was  
18           what was required in the section of the SEC  
19           rules that relate to the contents of the  
20           Application.

21      Q     So to the extent that you considered any of the  
22           views of municipal governing bodies, that  
23           information would be found within the  
24           Applicant's Application?

1 A Yes.

2 Q Okay.

3 A And I think I described in the testimony that I  
4 also considered comments submitted as part of  
5 the Draft EIS process as well.

6 Q Okay. So would it be fair to say that you  
7 considered the views of municipal and regional  
8 planning commissions and you considered the  
9 views of municipal governing bodies, but you're  
10 not offering expert opinion on what those views  
11 are. You've just, you've just considered their  
12 views, correct?

13 A I considered their views and the issues that  
14 were raised.

15 Q To the extent that you were aware of them.

16 A Yes.

17 Q For instance, you didn't meet with any  
18 Selectmen, did you?

19 A No.

20 Q Did you meet with any planning boards?

21 A No.

22 Q Did you meet with any zoning boards?

23 A No.

24 Q Okay. So to the extent that you considered, for

1 instance, the views of municipal governing  
2 bodies, it would just simply be whatever is in  
3 the Application.

4 A Yes. Again, the standard is submitted in  
5 writing, but I went beyond that in that I also  
6 considered any views that were expressed leading  
7 up to the submission of the Application.

8 Q Things filed with the SEC before you submitted  
9 your testimony.

10 A Yes. Or comments made at public meetings. I  
11 listened very carefully to comments that were  
12 made at pre-Application meetings.

13 Q And those were in September of 2015, correct?

14 A Well, there were a whole host of meetings that  
15 led up to it, including EIS-related meetings. I  
16 can't recall the dates or how many, but there  
17 were several hearings that I attended and  
18 listened very carefully to what they had to say.

19 Q To save time, I'll represent to you that your  
20 report identifies a series of public meetings in  
21 September of 2015.

22 A Okay.

23 Q So if you considered comments at public  
24 meetings, you would have referred to them in

1 your report?

2 A I believe so, yes.

3 Q Okay. Now, some municipalities have Economic  
4 Development Directors, correct?

5 A Yes.

6 Q Did you meet with any of them?

7 A I don't think so. I think Concord's Economic  
8 Development Director I spoke with in the  
9 hallway, but he didn't attend the meeting.

10 Q Okay. And some towns have Economic Development  
11 Committees, correct?

12 A Yes. Some do.

13 Q Did you meet with any Economic Development  
14 Committees of any of the 31 towns?

15 A No, nor was I required to.

16 Q Okay. Staying with what's on the screen, we  
17 have Site 301.16, criteria relative to finding  
18 of public interest. Do you see that?

19 A Is it highlighted?

20 Q No. It's right below the highlight.

21 A Okay.

22 Q Can you see that on your monitor?

23 A Yes.

24 Q Okay. I don't need to read all of it, but if

1           you look at the first four items, the welfare of  
2           the population, private property, location and  
3           growth of industry and overall economic growth  
4           of the state, those aren't items that you  
5           yourself analyzed, correct?

6           A     No.

7           Q     Okay. No, you did not analyze them, correct?

8           A     Correct.

9           Q     And then continuing on in that same 301.16,  
10          there are some more items, the environment,  
11          historic sites, aesthetics, air and water  
12          quality, use of natural resources and public and  
13          health and safety. I understand earlier you  
14          testified about some air and water quality,  
15          correct?

16          A     And greenhouse gases.

17          Q     Okay. Other than that, you didn't study or  
18          offer expert opinions on the other items listed,  
19          correct?

20          A     No. That was covered by other experts.

21          Q     Now, what's on the screen in front of you is SEC  
22          Site 301.09, effects on orderly development of a  
23          region, do you see this?

24          A     Yes.

1 Q Okay. And this lists, and it continues on to  
2 the next page, the items that are to be included  
3 in the Application, correct?

4 A Yes.

5 Q And as I understand it, I think you testified  
6 earlier that you reviewed -- did you review  
7 these items as part of your work?

8 A Yes.

9 Q Okay. And you reviewed them if they're found in  
10 the Application, correct?

11 A Yes.

12 Q So let me ask you some questions about some of  
13 the specific things you did.

14 A Um-hum.

15 Q As I understand it, you reviewed long-range  
16 planning documents, correct?

17 A Yes.

18 Q You reviewed city and town master plans?

19 A Yes.

20 Q You reviewed regional plans that were drafted by  
21 regional planning commissions?

22 A Yes.

23 Q You reviewed some state planning documents?

24 A Yes.

1 Q And you reviewed some other documents such as  
2 highways and byways and rivers?

3 A River corridor management plans, yes.

4 Q And you met with the four Regional Planning  
5 Commissions that cover this region, the region  
6 of the Project?

7 A Yes.

8 Q All right. So you met with the North Country  
9 Council?

10 A Yes. An in-person meeting as well as a followup  
11 call after the announcement of the  
12 undergrounding.

13 Q You met once with the Lakes Region Planning  
14 Commission?

15 A Yes.

16 Q And you met once with the Central New Hampshire  
17 Regional Planning Commission?

18 A Yes.

19 Q And you also met once with the Southern New  
20 Hampshire Planning Commission?

21 A Yes.

22 Q Okay. Now, as I understand it, the focus of  
23 your meetings with various -- let me back up a  
24 minute.



1           In addition, you also met with planners  
2           that, towns that had planners you met with those  
3           planners as well, correct.

4           A     Professional planners, yes.

5           Q     And some of the 31 towns have professional  
6           planners and some do not, correct?

7           A     Correct.

8           Q     And for those towns that have professional  
9           planners, you met with those planners?

10          A     Yes.

11          Q     And I understand most of those meetings were  
12          face to face, but there might have been one or  
13          two phone calls?

14          A     Correct.

15          Q     Okay. Now, as I understand it, the focus of  
16          your meetings with these various professional  
17          planners, whether the regional planners or the  
18          local planners, was to ensure you had the most  
19          up-to-date information, correct?

20          A     Yes. That was the major objective to ensure  
21          that we had accuracy in providing this  
22          information to the SEC.

23          Q     Okay. You wanted to make sure you had the most  
24          recent version, for instance, of the Master

1 Plan.

2 A Yes.

3 Q And/or you wanted to make sure you had the most  
4 recent version of any regional plan?

5 A Yes, and also land use mapping.

6 Q Okay. Now, I also understand that during these  
7 meetings you heard from the professional  
8 planners any concerns that they had heard about  
9 the Project, correct?

10 A Yes.

11 Q Now, am I also correct that by the time you  
12 began to meet with these professional planners,  
13 you had concluded that the Project would not  
14 unduly interfere with the orderly development of  
15 the region, correct?

16 A I was mindful of the past determinations by the  
17 SEC on Orderly Development as it relates to land  
18 use and the use of existing corridors, and so I  
19 was, I wouldn't say my, I had reached a final  
20 conclusion, but it was a preliminary opinion  
21 when I met with them.

22 Q Okay. And in fact, when you met with the  
23 various professional planners, you told them  
24 that that was your preliminary conclusion,

1 correct?

2 A That that was likely to be my conclusion and  
3 that had been the case for prior dockets before  
4 the SEC.

5 Q Now, when you told the professional planners you  
6 met with that that was your likely conclusion,  
7 you didn't ask any of the professional planners  
8 for their conclusions or opinions on whether or  
9 not the Northern Pass Project would unduly  
10 interfere with the orderly development of the  
11 region, correct?

12 A I asked them what issues of concern would they  
13 have. They, of course, there was no Application  
14 at that point for them to even review and  
15 provide an opinion on. And so I asked them what  
16 issues of concern are you hearing from the  
17 community that you're in or the communities that  
18 you serve as a Regional Planning Commission.

19 Q All the planners you met with were familiar with  
20 the Project, were they not?

21 A Yes. It was very well-known.

22 Q Okay.

23 A Yes.

24 Q And in these meetings, you didn't ask any of the

1 planners you met with what their opinion of  
2 whether or not the Project would interfere with  
3 orderly development of the region, correct?

4 A I asked them about concerns that they are  
5 hearing. I didn't ask them for an ultimate  
6 opinion because they didn't even have an  
7 Application in front of them. Wouldn't have  
8 been fair to them.

9 Q And as I understand it, when you met with the  
10 planners, you yourself didn't take any notes,  
11 correct? Somebody else from Normandeau took  
12 notes?

13 A I believe Kerrie Diers, a professional planner,  
14 took the notes.

15 Q Okay. And Ms. Diers' notes were then later  
16 typed into meeting summaries?

17 A Yes. Yes.

18 Q And those summaries were produced in Data  
19 Requests, right?

20 A Yes.

21 Q And those summaries don't discuss the views or  
22 opinions of any of the planners you met with,  
23 correct? They simply discuss concerns heard.

24 A Well, in many cases, there had been some views

1           previously expressed by the municipality in  
2           which they worked or a community that they were  
3           serving, and so I was aware of that. They were  
4           aware of that. And the key is that we wanted to  
5           identify what issues of concern do your  
6           communities have, what are those that are  
7           underlying, under those views, and to seek  
8           information about the accuracy of our  
9           information.

10          Q     Okay. For instance, some towns had passed  
11                resolutions at town meeting opposing the  
12                Project, correct?

13          A     As proposed. Yes.

14          Q     13258. Mr. Varney, on the screen now is the  
15                summary of your meeting of your meeting with the  
16                North Country Council, do you see that?

17          A     Yes, it was in their office.

18          Q     And you met with them on March 27th, 2015,  
19                correct?

20          A     Yes.

21          Q     And you met with them and Ms. Diers from  
22                Normandeau and also Ms. Martin from Normandeau,  
23                correct?

24          A     Yes.

1 Q And under Project Overview, it indicates that  
2 you had discussed Normandeau's role and as the  
3 part of the Application process you'll be filing  
4 information about local land use and orderly  
5 development, and you wanted to verify  
6 information, do you see that?

7 A Yes.

8 Q And under the Discussion section is where you  
9 would list any, the concerns you heard in these  
10 meetings, correct?

11 A Yes.

12 MR. IACOPINO: Mr. Pappas, are you showing  
13 him Counsel for the Public Exhibit 471?

14 MR. PAPPAS: I am. Thank you for reminding  
15 me.

16 BY MR. PAPPAS:

17 Q If you look under discussion number 2, it  
18 indicates that the biggest concerns that they  
19 have heard from towns is the visual impact of  
20 the Project on scenic resources and the effect  
21 it will have on property values and tourism. Do  
22 you see that?

23 A Yes.

24 Q Okay. And it also the staff itself of the North

1 Country Council was concerned about the  
2 cumulative impact of large projects such as this  
3 transmission line and wind farms and that impact  
4 on tourism and scenic resources, correct?

5 A Yes.

6 Q And as I understand it, when you met with them,  
7 as you indicated earlier, you indicated to them  
8 what your preliminary conclusion was, correct?

9 A Yes.

10 Q So the next page in Counsel for the Public  
11 Exhibit 471 is the summary of your meeting with  
12 the Franklin planner, do you see that?

13 A Yes.

14 Q And in the Project overview it follows a very  
15 similar language as we saw in the first one,  
16 correct?

17 A Correct.

18 Q And it's pretty fair to say that for each one of  
19 those, the Project overview is pretty much the  
20 same?

21 A Yes.

22 Q Okay. And again, you have under discussion what  
23 you're hearing from Franklin, correct?

24 A Yes.

1 Q In this case, Franklin strongly supports the  
2 Project, correct?

3 A Yes.

4 Q Staying within Counsel for the Public's Exhibit  
5 471, there's also the July 21, 2015, meeting  
6 summary for Lancaster, correct?

7 A Yes.

8 Q And again, you have the Project overview, and,  
9 again, you indicate what some of the concerns  
10 were, correct?

11 A Yes.

12 Q And then next, the next summary under Exhibit  
13 471 is the meeting with Thornton; do you see  
14 that?

15 A Yes.

16 Q If you look down at the bottom of Concerns,  
17 number 4, it says, "main concerns that have been  
18 expressed are the structure heights and visual  
19 impact on the rural character of the community;"  
20 do you see that?

21 A Yes.

22 Q Would it be fair to say that in your various  
23 meetings with professional planners, you often  
24 heard either concerns that visual impact would



1 have on tourism or scenic things or concerns  
2 that the structure heights will have, you know,  
3 a visual impact on rural communities. That was  
4 a pretty common concern you heard over and over;  
5 is that right?

6 A Yes, and I also advised them if they weren't  
7 familiar with the SEC process that there would  
8 be experts addressing those issues in the  
9 Application.

10 Q Okay. Now, Mr. Varney, I'll let you know that  
11 others asking questions behind me will be asking  
12 you more detailed questions about specific towns  
13 that they represent or are interested in so I'm  
14 not going to spend the time doing that. I'll  
15 defer to them on those items and move on.

16 MR. IACOPINO: Mr. Pappas, could you just  
17 give us a description of what's in that Exhibit  
18 471 because I don't think we have physically the  
19 exhibit yet.

20 MR. PAPPAS: Sure.

21 MR. IACOPINO: Is it all of these sheets?

22 MR. PAPPAS: Correct. 471 is a collection  
23 of all of the Normandeau meeting summaries for  
24 Mr. Varney's meetings with professional

1 planners, whether it's a commission or local  
2 planner.

3 MR. IACOPINO: Thank you.

4 WITNESS VARNEY: During 2015.

5 MR. PAPPAS: Yes.

6 BY MR. PAPPAS:

7 Q So let me ask you about your specific opinion  
8 that the Project will not have an adverse impact  
9 on local land use.

10 Now, as I understand it, the rationale for  
11 your opinion is that citing the Northern Pass  
12 Transmission line in an existing right-of-way  
13 reinforces existing development patterns,  
14 correct?

15 A Yes. Land use patterns. Yes.

16 Q And it also in your view minimizes environmental  
17 impacts, correct?

18 A Typically, yes.

19 Q So because siting the transmission line in  
20 existing right-of-way reinforces existing  
21 development patterns and often minimizes  
22 environmental impacts, you believe that it will  
23 not adversely impact local land use, correct?

24 A Correct. There's no change in land use.

1 Q Okay. And so that's, essentially, the nub of  
2 your view about local land use is because it  
3 won't change the existing use, it won't have an  
4 adverse impact on local land use, correct?

5 A That's correct.

6 Q Okay. Put another way, adding another  
7 transmission line in a right-of-way is  
8 consistent with the use of that right-of-way,  
9 and, therefore, it's not going to adversely  
10 impact local land use, correct?

11 A Again, it reinforces existing land use patterns  
12 in a community. It does not result in any  
13 change in land use.

14 Q Okay. So that rationale would hold for the  
15 roughly 80, 85 percent of the Project that's  
16 within an existing right-of-way, correct?

17 A Correct.

18 Q Now, at some point do you believe that the  
19 intensity of the use within the right-of-way  
20 would reach a point that it would adversely  
21 impact the local land use along the  
22 right-of-way?

23 A No.

24 Q So it's in your view, as long as it's within the

1 right-of-way and it's a transmission line,  
2 doesn't matter how intense the use of the  
3 transmission line within a route right-of-way,  
4 it's not going to adversely affect local land  
5 use?

6 A For this particular Project, I didn't see how it  
7 would impact land use. I can't speculate on any  
8 other scenarios.

9 Q All right. Well, I guess that was my question  
10 so let me just go back to it, and if you don't  
11 have an opinion, that's fine. You can tell me,  
12 but do you have an opinion as to whether or not  
13 at some point the intensity of use within that  
14 right-of-way, what's added to that right-of-way,  
15 would at some point adversely impact the local  
16 land use?

17 A Not for this Project. I looked at the proposal  
18 as submitted to the SEC, and my opinion was  
19 based on that particular proposal.

20 Q Apart from this Project, do you have an opinion  
21 as to whether or not at some point the intensity  
22 of what's added to the right-of-way would  
23 adversely affect the local land use?

24 A I think you're going to an area that I, of

1 visual impact that was covered by another  
2 expert. I don't have a bright line for the  
3 height of structures, if that's what you're  
4 getting at.

5 Q I'm not limiting just the height of structures.  
6 It could be the number of transmission lines, it  
7 could be the height of structures, it could be  
8 the type of structures that are put in there,  
9 the number of structures. I'm wondering whether  
10 or not you have an opinion as to if the  
11 intensity gets to a point where there's so much  
12 new structures or things put in the right-of-way  
13 that that would rise to a level of adversely  
14 affecting the local land use.

15 A I don't know and I wouldn't know unless I  
16 studied a specific proposal.

17 Q So you don't have an opinion as to whether or  
18 not at some point it's too much?

19 A No.

20 Q Okay. Would I be correct in saying that your  
21 analysis of the local land use, you didn't take  
22 into account the increased intensity within the  
23 right-of-way?

24 A I took into account what was proposed by the

1 Applicant.

2 Q So in your view, the higher the structures, the  
3 number of the the structures, and the size of  
4 the concrete footings of those structures, you  
5 took all that into consideration and didn't  
6 think that that increased level of use within  
7 the right-of-way would adversely affect local  
8 land use; is that right?

9 A I felt that it was reasonable use of the  
10 existing utility corridor and would not  
11 adversely affect nearby land uses.

12 Q Okay. So the size of the Northern Pass Project  
13 itself, adding that to the right-of-way, in your  
14 opinion, was not so great that it would  
15 adversely impact the local land use?

16 A No.

17 Q No, that's --

18 A No.

19 Q The record's got to read a little more clearly  
20 than that.

21 A Right. Sorry.

22 Q I understand.

23 A Want to rephrase the question?

24 Q I'll rephrase it.

1           So would you agree with me that the size of  
2           the Northern Pass Project, the height of the  
3           towers, the size of the structures, the size of  
4           the footings and so forth is not so great that  
5           it would adversely affect the local land use?

6    A    Again, looking at the proposal as submitted, I  
7           felt that it was a reasonable use of the  
8           corridor and would not adversely affect adjacent  
9           land uses.

10   Q    Put another way is that what they were adding to  
11           it wasn't too much that it would affect the  
12           local land use, correct?

13   A    Correct.

14   Q    Okay. Did you analyze the existence of whether  
15           a 345,000-volt transmission line buried in the  
16           ground in front of properties would adversely  
17           affect the development of those properties?

18   A    Burial?

19   Q    Correct.

20   A    Did I consider it? Yes, absolutely.

21   Q    So what did you consider in terms of having a  
22           345,000-volt transmission line buried in front  
23           of properties, what did you consider to  
24           determine that that would not interfere with the

1 development of any of those properties which it  
2 passes in front of?

3 A Well, it's within an existing corridor. Many of  
4 our transportation corridors have, are being  
5 used for electricity, and that a very carefully  
6 carried out construction project could be done  
7 in a way that would have only temporary impacts  
8 on adjacent land uses and that the benefits of  
9 the Project are significant, and these are  
10 temporary impacts for those living along the  
11 roadway.

12 Q Did you study any other buried transmission  
13 lines to see whether or not they impacted  
14 development along them?

15 A No.

16 Q Okay. Would you agree with me that once, if the  
17 line is built along the buried part, having a  
18 345,000-volt transmission line is not temporary  
19 but it's permanent or at least long-term in  
20 front of property?

21 A Its location. Yes.

22 Q Did you consider whether or not having that  
23 transmission line buried in front of property  
24 would impact the development of that property it



1 passed by?

2 A It would temporarily impact that property owner  
3 as it went by. Yes.

4 Q No, after it's in and completed, and the road  
5 was restored, but you still have the line  
6 passing in front of property, correct?

7 A Yes.

8 Q And did you consider whether or not that  
9 transmission line passing in front of a property  
10 would hinder the development of the property it  
11 passed in front of?

12 A Yes.

13 Q What did you do to consider that?

14 A I reviewed the proposal as submitted. I looked  
15 at the land uses that were along the  
16 right-of-way and considered the fact that it was  
17 going to be carefully supervised and carried out  
18 in a manner that meets the requirements of New  
19 Hampshire DOT; and based on my experience with  
20 other underground projects, water and sewer  
21 lines to New Hampshire DES was very involved  
22 with, many communities as well, gas lines and  
23 other projects that are burial projects, I  
24 didn't see any reason why this couldn't be

1 carried out in a way that minimized impacts on  
2 nearby property owners with a good public  
3 outreach effort.

4 Q But that all relates to the construction of the  
5 line, correct?

6 A Yes.

7 Q You didn't consider whether or not having the  
8 line in existence for the next 20, 30, 40, 50,  
9 75 years, whether the existence of that line  
10 would hinder the development of property that's  
11 adjacent to it?

12 A Yes, I did consider that and didn't see any  
13 bases for thinking that it was going to somehow  
14 prevent reasonable use of that property.

15 Q And did you study whether or not it would impact  
16 bringing any utilities to the adjacent property?

17 A I assumed that that was something that could be  
18 engineered and carried out.

19 Q You didn't specifically --

20 A I didn't conduct my own individual study, but I  
21 do know that with any project of this nature  
22 that looking at utilities is an important part  
23 of the process.

24 Q Did you consider the existence of splice vaults

1 every 2000 feet along the buried line?

2 A I heard the presentations on that.

3 Q When did you hear those presentations?

4 A Some description at public meetings and during  
5 the course of the preparation of the Project.

6 Q And what is your understanding of the splice  
7 vaults? Do you know how big they are?

8 A I can't remember the dimensions right now.

9 Q Do you know how far below the ground the top of  
10 them are?

11 A I can't remember the exact dimensions even  
12 though they are covered. I've seen diagrams,  
13 but I just didn't memorize them.

14 Q Do you know how deep in the ground they're  
15 buried themselves, the vaults?

16 A Again, I can't recall off the top of my head.

17 Q So is it fair to state that you yourself didn't  
18 study whether or not the existence of these  
19 vaults and their location would impact the  
20 development of any specific property along the  
21 buried route where the vaults were in front of?

22 A No special studies. Just consideration of the  
23 construction techniques that were given by the  
24 Applicant.

1 Q And what techniques did you consider?

2 A The undergrounding process which is also in some  
3 other materials that they've developed.

4 Q Okay. And about the splice vaults specifically,  
5 any specific techniques that you considered?

6 A No. I'm talking about the construction process  
7 in general.

8 Q Okay. Mr. Varney, would you agree with me that  
9 for certain types of land uses the visual impact  
10 of a transmission line could be an issue to the  
11 specific uses?

12 A To? Could you repeat that?

13 Q Let me be a little more specific.

14 Would you agree with me that for some  
15 tourist destinations or some recreation areas  
16 the visual impact of a transmission line could  
17 be adverse to them?

18 A I don't have an opinion on specific sites. I  
19 know, I've read Mitch Nichols' testimony and his  
20 conclusions, but I'm not aware of any factual  
21 information about cause and effect under that  
22 scenario.

23 Q Did Mr. Nichols study any specific tourist  
24 sites?

1 A Not that I'm aware of.

2 Q Okay. But would you agree with me that in  
3 general there could be tourist destinations or  
4 recreation areas that could be adversely  
5 impacted by the visual of a transmission line  
6 such as Northern Pass?

7 A Not aware of any particulars. I looked at the  
8 Project as a whole as it relates to the fact  
9 that a Visual Impact Assessment was done by a  
10 qualified expert and that a number of forms of  
11 mitigation had been carried out to try to reduce  
12 the impacts.

13 Q Do you have an opinion as to whether or not the  
14 Northern Pass Transmission line could have an  
15 adverse effect on any specific tourist  
16 destination by virtue of its visual impact?

17 A I don't know. I didn't study the visual impact.

18 Q So you don't know whether or not any specific  
19 tourist destination along the proposed route  
20 could be adversely effected by the visual  
21 impact?

22 A No. I heard concerns that that -- by locals  
23 that there could be a particular concern which  
24 I'm sure they've raised during the proceeding.

1 Q Would I be correct in saying that you don't have  
2 an opinion as to whether any specific recreation  
3 area along the proposed site would be adversely  
4 affected from visual view of the Project,  
5 correct?

6 A Correct.

7 Q Okay. Now, in your review of towns' master  
8 plans, many of them discuss the importance of  
9 scenic views, correct?

10 A Yes.

11 Q And many of the towns' master plans discuss  
12 preserving scenic views and the rural character  
13 of towns, correct?

14 A Yes.

15 Q And some master plans actually refer to specific  
16 areas within a town that they consider to be  
17 scenic, correct?

18 A Yes, not very many but some do.

19 Q And would you agree in saying that you didn't  
20 analyze any specific scenic area that was  
21 identified in any of the master plans to  
22 determine whether the Northern Pass Project  
23 would adversely affect that scenic resource,  
24 correct?

1 A No. I knew that an expert would be looking at  
2 those issues.

3 Q Now, let me ask you some questions about the new  
4 right-of-way areas. About 40 minutes of the  
5 proposed route is in a new right-of-way area,  
6 correct?

7 A Yes.

8 Q And most of the new right-of-way area is through  
9 forest land; is that right?

10 A Yes. Working forest.

11 Q And your prior rationale that siting a  
12 transmission line in an existing right-of-way  
13 doesn't impact local land use doesn't apply to a  
14 new right-of-way because it's a new  
15 right-of-way, correct?

16 A It can still be orderly development, but it's a  
17 different --

18 Q Different rationale?

19 A Different rationale.

20 Q And, for instance, you would agree with me that  
21 putting a transmission line and right-of-way  
22 transmission line through a forest is not  
23 consistent with the forest, correct?

24 A Actually, no. A working forest is just that,

1 and it can exist with that operation going on  
2 and should not have any adverse effects on the  
3 continued use of that land as a working forest.

4 Q A 150-foot cleared strip through a forest is not  
5 consistent with the forest itself, is it?

6 A It's not a matter of being consistent with the  
7 forest. It's whether or not it can coexist in a  
8 way that will, where it will not adversely  
9 affect the continued use of that property, and  
10 my conclusion was that the property can continue  
11 to be used as a working forest and as an area  
12 for continued recreation that already occurs in  
13 that area as well.

14 And in the case of the Wagner Woodlands, as  
15 you know, that's a location that's been  
16 supported by the owner of the property and has  
17 stated publicly that not only do they support  
18 it, but they would prefer to see it overhead  
19 rather than underground if that were an option.

20 Q Well, they, in fact, leased the right-of-way,  
21 did they not?

22 A Correct.

23 Q Now, you didn't look to see whether or not the  
24 right-of-way through the forest would impact any



1 of the recreation uses along the forest, did  
2 you? You didn't study that?

3 A No. There was another report that was done on  
4 recreation which I reviewed.

5 Q Okay. And the answer is no, you didn't study  
6 that, correct?

7 A I didn't study that specifically.

8 Q Okay. And you didn't, did you specifically  
9 study whether or not the new right-of-way  
10 through the forest would impact any of the  
11 conservation efforts along that new  
12 right-of-way?

13 A Well, the new right-of-way, as you know, is 24  
14 miles through the Wagner Forest lands where the  
15 owner is comfortable with the location of it  
16 and --

17 Q But along that 24 miles, there are conservation  
18 lands, understood not within the forest itself  
19 but outside the forest, correct?

20 A Yes.

21 Q And you didn't stop to study each of the  
22 conservation areas to determine whether it had  
23 an impact, correct?

24 A I was aware of uses that were along the route,

1 and to the extent that there was anything  
2 relatively close to the right-of-way, I would  
3 have looked at it, but if it was a considerable  
4 distance away, then I didn't have any reason to  
5 dig into it any deeper.

6 Q Okay. Let me ask you some questions about  
7 impacts from construction. We've talked about  
8 land use now. Let me switch to impacts from  
9 construction.

10 Now, you didn't, did you consider the  
11 impacts of construction for each of the 31  
12 towns?

13 A I looked at the Project as a whole.

14 Q So did you go town by town and determine impact  
15 in each of the towns themselves?

16 A I looked at the land uses that are along the  
17 route. I looked at the proposed use of the  
18 existing right-of-way, the proposed  
19 right-of-way, and whether or not those uses  
20 could coexist. In fact, many of the uses were  
21 predated by the location of the utility  
22 right-of-way so it was not a very difficult  
23 issue.

24 Q My question is a little different though.

1           My question is whether or not you looked at  
2           each of the 31 towns and made a determination  
3           whether construction of the Project during  
4           construction would adversely impact any of the  
5           31 towns.

6       A     I considered it, yes.

7       Q     But did you do a study of it?

8       A     I didn't do separate study of it.

9       Q     It's not in your report, is it?

10      A     Just that I considered construction and that  
11           there would be some short-term  
12           construction-related impacts, and that there  
13           would not be an adverse effect long-term.

14      Q     Did you study the design plans for the overhead  
15           section?

16      A     I'm not sure how deep you want to go on design  
17           plans. I'm aware of what was proposed, where  
18           the right-of-way was to be located and  
19           approximate heights of structures. Much of that  
20           information, of course, was on the Project  
21           website.

22      Q     Do you know how many structures there are total?

23      A     I didn't memorize it, Tom.

24      Q     Do you know, for instance, the size of the

1 footings for a lattice tower?

2 A Yes. It's in my report.

3 Q You don't know off the top of your head?

4 A Again, I didn't --

5 Q Do you know the number of construction vehicles  
6 and equipment necessary to build the overhead?

7 A Again, I reviewed that as part of my effort and  
8 reviewed the Draft EIS section on construction.

9 Q And did that have the number and type of  
10 vehicles?

11 A Actually, in the appendices it did. I dug into  
12 that fairly deeply because I looked at air  
13 emission issues.

14 Q Okay. So do you recall the number and type of  
15 vehicles?

16 A There are a large number of types of vehicles in  
17 a Project like this, as you know.

18 Q Do you know the number of access points on the  
19 right-of-way from public roads?

20 A Again, I didn't memorize the number.

21 Q Did you study the location of access points?

22 A To the extent that they were known, and, of  
23 course, many of them were from existing  
24 crossings or existing access ways that have been

1 used where there's an existing corridor.

2 Q Well, I asked you about the public, access from  
3 public roads.

4 A Okay.

5 Q Did you study --

6 A No separate study.

7 Q Okay. And, for instance, did you study the  
8 number of vehicles that would enter and exit the  
9 access point from public roads on a daily basis?

10 A No.

11 Q Did you look at things such as the number of  
12 concrete deliveries?

13 A Again, I did when I was analyzing air-related  
14 issues, but I can't recall what the numbers are.

15 Q You didn't do it for part of your work on  
16 Orderly Development?

17 A I knew that there would be construction  
18 equipment associated with the Project and  
19 considered that in forming my opinion.

20 Q Did you study the impact on traffic from  
21 construction of the overhead section?

22 A Yes.

23 Q And what did you study?

24 A Again, I looked at the available information

1 about the construction process, the types of  
2 vehicles and the movement of materials and  
3 equipment.

4 Q And what did you study in terms of what it will  
5 do to traffic, what will the traffic impact be?

6 A That there would need to be a Traffic Management  
7 Plan developed for the Project, that the  
8 contractors would be required to work with the  
9 local communities and with the Applicant on  
10 that, and that there would be a careful outreach  
11 effort made with the property owners and the  
12 local communities in carrying that out as is  
13 currently being done, I believe, on the  
14 Merrimack Valley Project.

15 Q Would I be correct in saying that you didn't  
16 study whether construction of the overhead  
17 section would adversely impact any specific  
18 business along the route?

19 A No.

20 Q You didn't study that, correct?

21 A I didn't. I didn't see any basis for needing to  
22 do so.

23 Q Basis for needing to do so. Well, do you know  
24 what the traffic delays will be for any

1 particular business along the overhead section?

2 A It depends on the Traffic Management Plan that's  
3 developed.

4 Q The Traffic Management Plan is going to deal  
5 with how to address the traffic problems,  
6 correct?

7 A Right, and to meet the standards that are set by  
8 New Hampshire DOT.

9 Q But the Traffic Management Plan is not going to  
10 determine the amount of traffic. That's going  
11 to be dictated by construction, correct?

12 A The amount of traffic will be related to the way  
13 that they carry out their Traffic Control Plan  
14 and their Transportation Management Plan because  
15 there could be detours involved and different  
16 lengths selected for construction segments to  
17 ensure that those traffic impacts are minimized  
18 and meet standards and expectations.

19 Q So sitting here today, you don't know what the  
20 delay will be for any specific location along  
21 the overhead route from traffic from  
22 construction, correct?

23 A I didn't prepare a traffic control plan for the  
24 Project, but I have an understanding of

1 construction activity associated with utility  
2 Projects.

3 Q But sitting here today, you don't know the  
4 impact of any business along the Overhead Route,  
5 the impact that the construction will have on  
6 that business, correct?

7 A That was --

8 Q Not something you studied?

9 A I didn't do a business by business study, but I  
10 do have a lot of confidence in the ability of  
11 the Project and those involved with its  
12 construction to work with the communities, with  
13 the DOT, and with the local landowners to  
14 minimize any temporary impacts that the Project  
15 may have.

16 Q So would I be correct in saying that the basis  
17 of your view that the construction of the  
18 overhead will not adversely affect any land use  
19 during construction is that you have confidence  
20 in the Applicant and the DOT to work it out so  
21 that the impacts are minimal?

22 A As it relates to roadways that you raised, yes.

23 Q And that's the basis of your view that the  
24 construction of the overhead section will not



1           adversely impact any land use during  
2           construction, correct?

3       A     I reviewed the land uses along the right-of-way  
4           and --

5       Q     Let me interrupt you for a second.  It would be  
6           better if you say yes, correct, no, not correct,  
7           and then explain because that avoids me having  
8           to repeat it.

9       A     Okay.

10      Q     So would I be correct in saying that the basis  
11           of your view that the construction of the  
12           overhead sections will not adversely affect any  
13           of the land use is because you believe the  
14           Applicant and the DOT will sufficiently work out  
15           the construction process to avoid adverse  
16           impact, is that correct?

17      A     Yes.

18      Q     Okay.  Let me ask you quickly some questions  
19           about underground construction.

20                   Now, do you know where the Project will  
21           have open trench construction and where it will  
22           be trenchless construction?

23      A     I can't recall.

24      Q     Do you know the number of HDD drillings that

1 will occur?

2 A I didn't memorize it.

3 Q Okay. Do you know the number of jack and bore  
4 drillings?

5 A Didn't memorize it.

6 Q Do you know where any microtunneling will occur?

7 A No.

8 Q Okay. Do you know how long any of the HDD  
9 construction activities will take, an individual  
10 HDD drilling?

11 A No.

12 Q Okay. Do you know, for instance, how many crews  
13 they expect to be working one place at any given  
14 time along the underground route?

15 A I've heard various estimates, and there would be  
16 obviously multiple crews over a two-year period.

17 Q Let me ask you this way. As of October 2015  
18 when you submitted your Prefiled Testimony,  
19 would it be fair to say what you knew of the  
20 underground construction and for that matter the  
21 overhead construction is pretty much contained  
22 within the Application?

23 A Mostly, although I attended some meetings in  
24 which there was some discussion of it so -- but

1 I would say mostly. Yes.

2 Q But those meetings -- I'll leave it at that.

3 Do you know, for instance, where lane  
4 closures are going to occur along the  
5 underground route?

6 A It's not certain yet.

7 Q Okay. Do you know where road closures will  
8 occur?

9 A It's not certain yet.

10 Q Do you know, for instance, if there's a road  
11 closure how long that will be?

12 A It will need to meet the standards.

13 Q Do you know how long that will be?

14 A I think what I've heard is, could be up to a  
15 minute.

16 Q You don't believe there will be any road  
17 closures beyond a minute? You don't know.

18 A I think it's very possible that they could -- a  
19 minute sounds reasonable to me, and I travel  
20 quite a bit across the state, and a minute is, I  
21 think, probably a reasonable amount of time.

22 Q Do you know what activity is going to occur  
23 within that minute?

24 A For?

1 Q The road?

2 A While you're sitting there?

3 Q While you're sitting there.

4 A It will be construction, there will be traffic  
5 going in one direction and then the other.

6 Q Are you aware of whether the traffic is going to  
7 be stopped completely in both directions?

8 A That could occasionally occur as it could with  
9 any road construction project.

10 Q Do you have any sense of how often that could  
11 occur over the underground route?

12 A I don't know how often that will be necessary.

13 Q Are you aware of the detours that have been  
14 planned?

15 A I know that they've been considering detours,  
16 but I don't believe that -- I don't know.

17 Q Okay. Okay. And fair enough. Let me ask it in  
18 this way.

19 The underground starts, do you know where  
20 the 52-mile underground starts up north?

21 A Yes.

22 Q Where is that?

23 A Bethlehem.

24 Q Okay. And that's along Route 302, the business

1 part of Bethlehem, correct?

2 A Correct.

3 Q Do you know, if you looked at how the  
4 construction of the underground in Bethlehem  
5 will affect the businesses in Bethlehem and  
6 along Route 30?

7 A There will likely be a temporary impact.

8 Q Have you studied that?

9 A No. I've driven the route, but I have not  
10 studied it.

11 Q Okay. Now, are you familiar with the  
12 intersection of Route 18 and Route 116 in  
13 Franconia?

14 A Yes.

15 Q And that is the, if you will, the business heart  
16 or section of Franconia, correct?

17 A Yes.

18 Q Are you familiar with the underground  
19 construction activity at that location or that  
20 intersection?

21 A Generally.

22 Q What do you generally understand?

23 A That the construction will be underground in  
24 that area.

1 Q Do you know the method in that area?

2 A I'm not on the Construction Panel. I can't  
3 remember the details.

4 Q Fair enough. Do you know what the traffic  
5 situation, in other words, do you know whether  
6 lanes will be closed in the intersection?

7 A No.

8 Q Have you considered or looked at the impact of  
9 the businesses in Franconia from the  
10 construction activity at that intersection?

11 A I didn't analyze that intersection specifically.

12 Q Now, the underground section continues down and  
13 goes through Route 3 in Woodstock, correct?

14 A Continues through Easton and then down to  
15 Woodstock.

16 Q Right. And it goes through a business section  
17 of Woodstock, correct?

18 A Eventually, yes.

19 Q And have you looked at what the impact on those  
20 businesses will be from the construction  
21 activity in Woodstock?

22 A No individual studies.

23 Q The underground continues on all the way down  
24 Route 3 going down the Main Street in Plymouth

1           until it exits Plymouth and heads to a  
2           Transition Station, correct?

3           A     Correct.

4           Q     Now, have you studied the construction plans for  
5           the underground through Plymouth?

6           A     No.

7           Q     Do you know, for instance, whether or not there  
8           will be any lane closures in Plymouth?

9           A     No. I'm sure there will be, but --

10          Q     Do you know if there will be any road closures  
11          in Plymouth?

12          A     No. I don't know for certain.

13          Q     Okay. Have you studied the impact or the  
14          potential impact of the businesses in Plymouth  
15          from the underground construction activity?

16          A     No.

17          Q     Having not studied the impact from the  
18          construction activity on the businesses in  
19          Bethlehem and Franconia and Woodstock and  
20          Plymouth, would you agree with me that you don't  
21          have an analysis or expert opinion on how the  
22          underground construction will affect the  
23          businesses in those locations?

24          A     Can you ask it again, the question?

1 Q Sure. Would I be correct in saying that you do  
2 not have an expert opinion on how construction  
3 of the underground portion will affect the  
4 businesses in Bethlehem, Franconia, Woodstock,  
5 and Plymouth?

6 A My opinion is that the Project can be carried  
7 out in such a way that there will be minimal  
8 short-term impacts on those businesses during  
9 the construction process.

10 Q That's your expert opinion?

11 A That's my opinion based on experience.

12 Q Okay, and you render that opinion without having  
13 studied how the construction will affect the  
14 businesses in those four towns, correct?

15 A I'm aware of the fact that there will be  
16 short-term impacts and that the Project will  
17 need to carefully manage traffic flow, access,  
18 parking, and other issues that are likely to be  
19 of concern to the community and to the adjacent  
20 property owners and business owners.

21 Q Do you consider a three-month construction  
22 activity to be short-term?

23 A Yes. There are many DOT Projects that are  
24 longer than that throughout the state.



1 Q Do you consider six months to be short-term?

2 A Again, it's a temporary impact so yes, I do.

3 Q Do you consider two years to be short-term?

4 A Yes.

5 Q Do you consider three years to be short-term?

6 A In the overall scale of the life of the  
7 facility, yes.

8 Q And when you say life of the facility, you mean  
9 the Northern Pass Project?

10 A Yes.

11 Q You don't render any expert opinion on what the  
12 impact would be from construction over two or  
13 three years; is that right?

14 A Again, there will be some temporary disruption,  
15 but I didn't conduct a separate study to  
16 evaluate or to speculate what those business  
17 impacts could be. I think it would be very  
18 difficult to do that.

19 Q For the areas of the underground construction,  
20 did you study or analyze whether the underground  
21 construction will impact the existing town  
22 infrastructure in those locations?

23 A No, but I'm mindful of the fact that there are  
24 many utilities in our roadways and that that's

1 part of the process to ensure that they know  
2 where those utilities are located, that DigSafe  
3 and other standards are met, and that the  
4 Project be carried out in a safe way.

5 Q Okay. But sitting here today, you don't render  
6 any expert opinion on how the underground  
7 construction will impact any existing town  
8 infrastructure, correct?

9 A Correct.

10 Q Now, have you driven along the whole 60 miles of  
11 the underground?

12 A Yes.

13 Q Including up near the Connecticut River and the  
14 7 and a half miles and then the 52-mile section?

15 A Yes. And probably multiple times over the  
16 years.

17 Q Many residences are very close to the road in  
18 many portions of that 60-mile underground,  
19 correct?

20 A Yes.

21 Q And there are several businesses that are close  
22 to the road or certainly close to the  
23 right-of-way, correct?

24 A Yes.

1 Q Okay. And in many areas, Northern Pass will  
2 need to clear trees along the road and affect  
3 stone walls and so forth in order to install the  
4 underground portion, correct?

5 A Well, they haven't completed final engineering,  
6 but I'm sure there will be locations where there  
7 will be some vegetative clearing associated with  
8 the Project.

9 Q There will be a lot of locations where there's  
10 going to be some vegetative clearing, don't you  
11 think, if you've driven that 60 miles?

12 A Yes. Yes, I'm very familiar with it, yes.

13 Q But that's not something that you have looked at  
14 and analyzed, correct?

15 A No. It was a Construction Panel issue.

16 PRESIDING OFFICER HONIGBERG: Off the  
17 record.

18 (Discussion off the record)

19 Q So Mr. Varney, let me just ask you about one  
20 last area. I've asked you about land use, and I  
21 just want to finish with asking you some  
22 questions about your opinion on Orderly  
23 Development of the region.

24 A Um-hum.

1 Q Now, as I understand it, you base your opinion  
2 on a review of townwide or region-wide analysis,  
3 correct?

4 A Yes, as well as looking at land use along the  
5 route on a town-by-town basis.

6 Q Now, the determination of whether a Project  
7 unduly influences the orderly development of a  
8 region involves more than considering local land  
9 use, correct?

10 A Correct.

11 Q And we looked at all the factors that it  
12 involved such as employment, the economy,  
13 property values, taxes and so forth, correct?

14 A Yes.

15 Q And it also involves for those items other than  
16 land use, it's my understanding that you rely on  
17 the opinions of others in order to render an  
18 opinion on Orderly Development, correct?

19 A Yes.

20 Q And that as we spoke about earlier, other than  
21 land use, you didn't specifically study or  
22 analyze those other issues; you read reports of  
23 others and rely on those reports, correct?

24 A Yes.

1 Q And it also involves consideration of the views  
2 of municipal planning commissions, correct?

3 A Yes.

4 Q And when you met with local and regional  
5 planners, you heard concerns they raised, but  
6 you didn't, by the time you rendered your expert  
7 opinion in this case, you hadn't heard any of  
8 their views because they hadn't expressed them  
9 yet, correct?

10 A I met with the regional planning commissions in  
11 the towns prior to the submission of my Prefiled  
12 Testimony.

13 Q By the time you filed your Prefiled Testimony,  
14 you hadn't received the views of any  
15 professional planners, whether local or  
16 regional, as to the Northern Pass Project,  
17 correct?

18 A As I explained earlier, they hadn't received an  
19 Application and had nothing to review but were  
20 very kind in helping me understand issues of  
21 concern that had been expressed by those  
22 communities regarding the Project, and,  
23 fortunately, they were issues that were going to  
24 be addressed by the SEC.

1 Q Put another way, you really couldn't consider  
2 the planners' views because they didn't have any  
3 views for you to consider, correct?

4 A They identified issues of concern which were  
5 municipal views that had been expressed, either  
6 publicly or at the local level.

7 Q Let me put a little finer point on it.

8 They expressed concerns, but no planner  
9 expressed to you their view on whether or not  
10 the Project would unduly interfere with orderly  
11 development of the region, correct?

12 A Correct.

13 Q Okay. And with respect to municipal governing  
14 bodies, no, you didn't learn from any municipal  
15 governing body whether they thought the Project  
16 would unduly interfere with the orderly  
17 development of the region, correct?

18 A Correct.

19 Q Last line of questioning.

20 In your Supplemental Testimony that you  
21 filed in April of 2017, you addressed the land  
22 use patterns in three municipalities along the  
23 Phase II line, correct?

24 A Yes.

1 Q What's on the screen now is a page from Counsel  
2 for the Public's Exhibit 279, and it's Bates  
3 stamped 009799. Do you see that?

4 A Yes.

5 Q And this is a page from the Granite State Power  
6 Link proposal, and if you look at that green  
7 line that starts up in Monroe and goes down to,  
8 I believe that's just north of Hudson, New  
9 Hampshire, that is the Phase II line, is it not?

10 A This is the first time I'm seeing this, but I'll  
11 take your word for it.

12 Q Okay. I'll represent to you that there was  
13 testimony that that is the Phase II line.

14 Now, the Phase II line, according to your  
15 Supplemental Testimony, is 121 miles long and  
16 runs from Monroe south, correct?

17 A Down to Hudson, yes.

18 Q And you looked at Concord, Bedford and Hopkinton  
19 in your Supplemental Testimony, correct?

20 A Yes, as examples.

21 Q Now, the Phase II line, and if you look on the  
22 left it has all of the other towns it runs  
23 through, and it shows mileage, and would you  
24 agree with me that most of the Phase II line is

1 located north of Concord, correct?

2 A I haven't measured it.

3 Q Well, take a quick eyeball.

4 A It's probably correct.

5 Q It's not hard to see from this graph.

6 A Well, it is kind of hard for me to see here.

7 I'm sorry.

8 Q Blow up the map. Did that help a little bit?

9 A Much better. Thank you.

10 Q You're welcome. You'd agree with that most of  
11 the Phase II line is north of Concord, correct?

12 A Yes.

13 Q And would you also agree with me that most of  
14 the towns north of Concord are small rural  
15 towns? The towns that the Phase II line goes  
16 through?

17 A Yes.

18 Q Okay. And the land use and development in these  
19 small rural towns is different than the  
20 development patterns in Concord, Bedford and  
21 Londonderry, the three towns you looked at,  
22 correct?

23 A Yes.

24 Q And would you agree with me that most of the



1 development in land use in these rural towns  
2 north of Concord is similar to the development  
3 and land use in many of the towns north of  
4 Concord that the Northern Pass Project passes  
5 through, correct?

6 A No.

7 Q You wouldn't agree with me that there aren't  
8 similarities?

9 A I would agree with you that there are several  
10 rural towns along this route, but they tend to  
11 be less populated.

12 Q The Phase II route?

13 A Yes.

14 Q Okay. Fine. So would you then agree with me  
15 that those rural small towns north of Concord  
16 aren't really similar in the development of the  
17 three towns you looked at in your Supplemental  
18 Testimony, correct?

19 A That's correct.

20 Q Okay. I'm going to -- others will ask you more  
21  
22  
23  
24

1 specifically about the three towns, so I'll let  
2 them inquire about that.

3 A Great.

4 Q Thank you, Mr. Varney. I have no other  
5 questions.

6 PRESIDING OFFICER HONIGBERG: All right.  
7 It's good time for a break. We'll break for 10  
8 minutes. Off the record.

9 (Discussion off the record)

10 (Recess taken 3:19 - 3:35 p.m.)

11 PRESIDING OFFICER HONIGBERG: Mr. Reimers,  
12 are you ready to go?

13 MR. REIMERS: I am.

14 PRESIDING OFFICER HONIGBERG: You may  
15 proceed.

16 **CROSS-EXAMINATION**

17 **BY MR. REIMERS:**

18 Q Good afternoon, Mr. Varney. I'm Jason Reimers.  
19 I represent the Society for the Protection of  
20 New Hampshire Forests, and I'm with BCM  
21 Environmental & Land Law.

22 You did your analysis and wrote your report  
23 on Orderly Development in 2015; is that correct?

24 A Yes.

1 Q And starting in 2009, Normandeau began working  
2 on environmental matters for Northern Pass?

3 A Either '09 or '10. Yes.

4 Q And from 2009 to the end of 2014, about how much  
5 money had Northern Pass paid Normandeau for its  
6 work?

7 A I can't recall.

8 Q Can you ballpark it?

9 A No.

10 Q Would it have been more than a million?

11 A I can't recall. There was a lot of field work  
12 done in a relatively short period of time, but I  
13 can't recall which year that was.

14 Q And the work was done over the entire course  
15 from 2009 or '10, whenever Normandeau started,  
16 through 2014 and then beyond, correct?

17 A Yes.

18 Q So you're not sure how much money Normandeau has  
19 been paid by the Northern Pass, but it's fair to  
20 say that after Normandeau had been paid quite a  
21 bit of money between 2009 and 2010, that's when  
22 you did your Orderly Development analysis,  
23 right?

24 A Yes.

1 Q What is your normal hourly rate?

2 A My rate?

3 Q Yes.

4 A I don't even know.

5 Q You were asked this same question when you were  
6 on the Environmental Panel, but you still don't  
7 know?

8 A Yeah. I can't recall. It changes yearly.

9 Q Has it changed since you testified on the  
10 Environmental Panel?

11 A I don't know.

12 Q Is your hourly rate more or less than Julia  
13 Frayer's?

14 A I don't know what Julia Frayer's rate is nor  
15 would I be very interested.

16 Q Could you guess whether your hourly rate is more  
17 or less than \$600 an hour?

18 A It's less.

19 Q But you don't know how much less? Even a  
20 ballpark?

21 A I can't recall. And it's, it also relating to  
22 contracts and time frames so it's not as easy to  
23 know off the top of your head as you may think.

24 Q In general, the aboveground portion of an energy

1 project would have more of a potential to  
2 interfere with orderly development than the  
3 belowground portion of an energy project,  
4 wouldn't it?

5 A I don't know.

6 Q With regard to the Northern Pass, do you have an  
7 opinion as to whether the underground portion  
8 has more or less of an impact on orderly  
9 development?

10 A I think they're both positive in terms of  
11 impacts on employment and the economy, and both  
12 options have limited impact on land use.

13 Q But you can't say relative to one another?

14 A I wouldn't want to make a generalization because  
15 circumstances could be different.

16 Q So you're saying that with regard to the  
17 Northern Pass, it's possible that the  
18 underground portion has more of an impact on  
19 orderly development?

20 A It may be more beneficial, may not be. As it  
21 relates to employment and the economy, that was  
22 part of Julia Frayer's analysis.

23 Q Right. My question to you had to do with  
24 orderly development.

1 A Well, yes. Orderly development as it relates to  
2 land use, if that's where you're interested.  
3 There's, in both instances you're having minimal  
4 impact on adjacent land uses.

5 Q But you don't have an opinion as to whether the  
6 underground portion or the overhead portion  
7 would have relative to each other more or less  
8 of an impact on land use?

9 A There are many factors to consider, but my  
10 overall assessment would be neither would have  
11 any significant impact on land uses and the  
12 continuation of those land uses.

13 Q What I think I'm hearing then is you're saying  
14 that they're exactly equal.

15 A No. I didn't say that. I just said I don't  
16 make a judgment on it.

17 Q When you were the Commissioner of DES, you were  
18 Chair of the SEC in the Portland Natural Gas  
19 Transmission docket, weren't you?

20 A Yes.

21 Q And that was a completely underground project?

22 A Yes.

23 Q And the proposed project in the pipeline case  
24 included a new cleared right-of-way on the north

1 side of the Androscoggin River in the town of  
2 Shelburne, didn't it?

3 A Yes.

4 Q You and the SEC approved the pipeline but  
5 required an alternate route throughout Shelburne  
6 rather than allowing the cleared right-of-way  
7 which the Applicant preferred, correct?

8 A Yes.

9 Q And on page 12, you and the SEC begin the  
10 Orderly Development section of that decision; do  
11 you see that in front of you?

12 A Yes.

13 Q You and the SEC wrote, "For most of the proposed  
14 route, the Committee agrees with the Applicant's  
15 contention that the proposed pipeline is  
16 consistent with the orderly development of the  
17 region. However, in certain areas of Shelburne  
18 and Newton, the Committee finds that the  
19 proposed route is not consistent with the  
20 orderly development of the region," correct?

21 A Yes.

22 Q And you and the SEC noted that, quote, "The town  
23 as well as the NCC also stressed that the  
24 importance of the scenic viewshed should not be

1 underrated and directly linked the viewshed to  
2 the economy of the area generated by tourism,"  
3 correct?

4 A Yes.

5 Q And the NCC is the North Country Council?

6 A Yes.

7 Q You and the Committee concluded that, quote,  
8 "Based on the record before it, the Committee  
9 concludes that the proposed Hogan Road route  
10 through Shelburne is not consistent with the  
11 orderly development of the region," correct?

12 A Yes.

13 Q And you and the SEC adopted the North Country  
14 Council's analysis stating, quote, "Adopting the  
15 North Country Council's analysis on the  
16 Shelburne issue, the Committee finds that the  
17 visual impact of the pipeline on the northerly  
18 side of the river would have a serious permanent  
19 effect on the aesthetics of one of the most  
20 pristine panoramic views over Reflection Pond  
21 located in the North Country," correct?

22 A Yes.

23 Q And quote, "The Committee finds that the visual  
24 impact of the pipeline could have a large impact



1 on the tourist business," right?

2 A Yes.

3 Q And, quote, "The visual impact would result in  
4 unreasonable permanent impacts to the natural  
5 environment, orderly development, and land use  
6 of the area," correct?

7 A Yes.

8 Q As part of your analysis, in the Northern Pass  
9 case, you met with some of the Regional Planning  
10 Commissions, and Attorney Pappas just asked you  
11 about that, correct?

12 A Yes.

13 Q And Mr. Pappas asked you about your meeting on  
14 March 27th with the North Country Council,  
15 correct?

16 A Yes.

17 Q And as you just testified, you told the Council  
18 that as part of the SEC Application we will be  
19 filing information about local land use and  
20 orderly development of the region, correct?

21 A Yes.

22 Q And you were referring to the report and  
23 testimony that you would write, weren't you?

24 A Yes.

1 Q And at the meeting with the Council, the staff  
2 expressed concerns about the Northern Pass,  
3 correct?

4 A Yes.

5 Q And in the memo you state, "The biggest concerns  
6 that they have heard from the towns is the  
7 visual impact of the Project on scenic resources  
8 and the effect that will have on property values  
9 and tourism," is that correct?

10 A Yes.

11 Q The North Country Council's concerns about the  
12 Northern Pass are similar in nature to the North  
13 Country concerns cited in the Portland Natural  
14 Gas decision related to viewshed and tourism,  
15 aren't they?

16 A In both situations, there was a concern about  
17 visual impact, although the context was much  
18 different in Shelburne as compared to the  
19 discussion with the North Country Council.

20 Q In both cases, the North Country Council  
21 expressed concern about viewshed and tourism,  
22 correct?

23 A Yes.

24 Q You also heard, which is in paragraph 3 of that

1 memo, "NCC staff is very concerned about the  
2 cumulative impact of large projects such as  
3 transmission lines and wind farms on tourism and  
4 scenic resources," correct?

5 A Yes.

6 Q The Council's reference to the wind farms is a  
7 reference to the Granite Reliable wind facility,  
8 isn't it?

9 A Perhaps. Unless there was some other wind  
10 project that was in the works or being  
11 considered or discussed. I'm not sure.

12 Q You didn't ask them, which wind facility are you  
13 talking about?

14 A I can't recall. It was over two years ago, but  
15 they were primarily concerned about overhead in  
16 Pittsburg and overhead going through Franconia,  
17 Franconia Ridge area with Easton and Sugar Hill  
18 as well.

19 Q Are you aware of any other wind facility besides  
20 Granite Reliable in the North Country Council's  
21 region?

22 A No.

23 Q And two years ago, were you aware of an  
24 Application or a particular wind farm that maybe

1 has not come to fruition?

2 A Well, the Groton Wind Farm is another one that  
3 would be within the North Country Council  
4 region. I can't think of any others beyond  
5 that.

6 Q If the Northern Pass is built, would it come  
7 close to the Groton Wind farm?

8 A It would be undergrounded through that area.

9 Q Do you know how close it would come to the  
10 Groton Wind facility?

11 A Considerable distance.

12 Q It would come much greater to the Granite  
13 Reliable facility, wouldn't it?

14 A Yes, given its location on those ridgelines in  
15 Dixville and Millsfield.

16 Q So in all likelihood, when you met with the  
17 North Country Council and they expressed  
18 concerns about the cumulative impact of large  
19 projects, including transmission lines and wind  
20 farms, they were most likely talking about the  
21 Granite Reliable facility, right?

22 A I don't know.

23 Q At one point the Northern Pass right-of-way and  
24 Granite Reliable are approximately .4 miles

1           apart, aren't they?

2           A     Yes.

3           Q     And I'm showing you your report which is  
4           Applicant's 1, Appendix 46, at page A-15, and in  
5           Dummer, the Northern Pass right-of-way would be  
6           about 250 feet from the Granite Reliable  
7           substation, correct?

8           A     Based on at the time that the report was  
9           written, yes.

10          Q     Has that changed?

11          A     I'm not aware of any changes, but --

12          Q     And that is your report at page A-18.

13                     In the Portland Natural Gas case, you and  
14                     the Committee stated, "The Committee further  
15                     finds that the location of the pipeline on the  
16                     north side of the river conflicts with the  
17                     master plan and the zoning ordinance of the town  
18                     of Shelburne which would have attempted to  
19                     preserve the rural nature and charm of the area  
20                     and unduly interfere with the orderly  
21                     development of the region by creating another  
22                     utility corridor in the valley which would be  
23                     open for further development in the future if it  
24                     were to be approved in this proceeding,"

1 correct?

2 A Yes.

3 Q And that was SPNF 241. By adding the Northern  
4 Pass to the area near Granite Reliable, the area  
5 would be turned into a sort of utility corridor  
6 with the Northern Pass and Granite Reliable  
7 side-by-side, wouldn't it?

8 A I'm not sure.

9 Q It's possible?

10 A I didn't think of it as a corridor. It's in a  
11 different location, obviously, than the wind  
12 farm. So there may be portions of the Project  
13 that are far away and there may be portions that  
14 are a bit closer.

15 Q In your report you did not address the Council's  
16 concerns about cumulative impact of having two  
17 utility projects in close proximity, did you?

18 A I didn't specifically address cumulative  
19 impacts, but I was aware of the existing energy  
20 project that was on that property.

21 Q You testified earlier that you had reached a  
22 preliminary opinion but not a final conclusion  
23 at the time you were meeting with the Planning  
24 Commissions; is that correct?

1 A Yes.

2 Q And your memo to the the North Country Council  
3 said that you would be filing information with  
4 the SEC Application, right?

5 A We generally described the SEC process, which  
6 they were familiar with, at that meeting. I  
7 would also point out that the meeting that you  
8 earlier referred to was held prior to the  
9 undergrounding announcement which is why I  
10 conducted a followup phone call with the  
11 Executor Director.

12 Q So my question was, and I'm looking at the first  
13 paragraph, you did state in your memo that as  
14 part of the SEC Application, we will be filing  
15 information about local land use and orderly  
16 development of the region; is that right?

17 A Yes. That's a requirement in the SEC rules.

18 Q Right. And so if at that time you only had a  
19 preliminary opinion, and told the North Country  
20 Council that you would be filing information,  
21 there wasn't any chance that your ultimate  
22 conclusion would be that the Northern Pass would  
23 unduly interfere with the orderly development,  
24 was there?

1 A As I indicated previously, I had not yet formed  
2 a final opinion on the matter, but I shared with  
3 them my preliminary assessment of the Project  
4 and felt that it would likely meet that  
5 requirement.

6 Q If you told the North Country council that you  
7 would be filing information and you only had a  
8 preliminary opinion, had you ultimately reached  
9 a conclusion that the Northern Pass would unduly  
10 interfere, would you have expected Eversource to  
11 have filed that report and testimony with the  
12 Application?

13 A Again, this was prior to the decision on  
14 undergrounding, and it was quite interesting in  
15 the sense that the two issues that they raised  
16 concern about, the crossing of the highway in  
17 Pittsburg and the overhead lines going through  
18 Franconia Ridge area were undergrounded, and the  
19 visual impacts in those specific locations were  
20 addressed by the revised Application.

21 Q So the Project was changed after you first met  
22 with the North Country Council?

23 A Yes. This memo was dated March 27th, and I  
24 believe the announcement was in the August time



1 frame perhaps.

2 Q So?

3 A Like July or August.

4 Q So as you continued your analysis, the Project  
5 was changing materially, wasn't it?

6 A There was a change announced that summer later,  
7 you know, several months later, about the  
8 revised route, and based on that, I, we then  
9 finished the Prefiled Testimony and associated  
10 report for the new route and as currently  
11 proposed.

12 Q So are you saying that when you met with the  
13 North Country Council in March of 2015 it was  
14 possible that your preliminary opinion could  
15 have turned into an ultimate conclusion that the  
16 Northern Pass would unduly interfere with the  
17 Orderly Development?

18 A I can't speculate.

19 Q Had you written such a report that there would  
20 be an undue interference and had that been  
21 submitted with Eversource's Application, that  
22 would have been a rather unusual Application,  
23 wouldn't it?

24 A Yes. But again, that's speculation. My

1 testimony was written on the basis of the  
2 Application that's currently before the SEC.

3 Q In your report on page 13, you begin a section  
4 titled North Country Council, correct?

5 A Yes.

6 Q And at the bottom of the page and going on to  
7 the next page, you state, quote, "The agency  
8 also noted that the issues of most concern were  
9 potential effects on landscape attractiveness,  
10 rural and community character, tourism industry  
11 and real estate values," correct?

12 A Can you go back to the prior page? This is in  
13 reference to the letter that they sent in April  
14 2011. Yes.

15 Q And that's what you included in your report.

16 A Yes.

17 Q And on page 14, you state, "The Project  
18 addresses these concerns by siting the line  
19 concurrent with existing lines as suggested by  
20 the North Country Council by utilizing existing  
21 corridors. In addition, 60 miles of the line  
22 will be located underground along existing road  
23 right-of-way." Is that correct?

24 A Yes.

1 Q Now, the entire Northern Pass right-of-way would  
2 not be along an existing corridor or an existing  
3 road, right?

4 A That's correct. Most of it will be within  
5 existing corridors, about 83 to 85 percent.

6 Q And there would be approximately 32 miles of new  
7 overhead right-of-way that doesn't fit into that  
8 80 percent, correct?

9 A There are, yes, 40 miles overall, 24 miles  
10 within the Wagner Forest lands, and outside of  
11 the Wagner Forest lands I believe 8 miles  
12 underground and 8 miles overhead.

13 Q So that would leave, as I suggested,  
14 approximately 32 miles of new overhead  
15 right-of-way, correct?

16 A Yes.

17 Q And your statement that the North Country  
18 Council's concerns have been addressed by,  
19 quote, "utilizing existing corridors," end  
20 quote, and 60 miles of burial does not apply to  
21 that 32 miles of new overhead right-of-way, does  
22 it?

23 A No. But, again, this was mostly in reference to  
24 the fact that in relation also in keeping in

1 mind the meeting that we held that that was  
2 prior to the undergrounding announcement and so  
3 the burial through the Notch, through the White  
4 Mountain National Forest, and also burial in  
5 Pittsburg did address some of their concerns  
6 which were focused concerns relating to visual  
7 potential visual impacts that they were worried  
8 about.

9 Q You list several concerns on page 14, and then  
10 you state that the Project addresses these  
11 concerns by siting the line concurrent with  
12 existing lines and also by doing 60 miles of  
13 burial, but that does not apply to the 32 miles  
14 of new overhead right-of-way, does it?

15 A That's correct.

16 Q So despite the language of your report, it would  
17 be more accurate to say the Project addresses  
18 some of these concerns, wouldn't it?

19 A Perhaps.

20 Q And the Project didn't address some other  
21 concerns, correct?

22 A Yes, although the focus of the North Country  
23 Council was burial.

24 Q Then why isn't that 32 miles up north buried?

1 A I'm speaking to the fact that the two areas that  
2 they specifically mentioned for burial was the  
3 crossing of Route 3 in Pittsburg and the area  
4 through the Notch or around the Notch.

5 Q And where in your report do you say that?

6 A Well, it ties in with the meeting that we held  
7 and it was probably in mind when this was  
8 written.

9 Q But in mind, but not in report, correct?

10 A Well, this report was submitted at the same time  
11 that the Prefiled Testimony was filed so it was  
12 after meeting with the North Country Council so  
13 that would have been in mind while writing this  
14 report.

15 Q Right. But it's those, my question was where in  
16 your report do you address what those two  
17 particular geographical areas that the North  
18 Country Council was concerned with, and I'm  
19 hearing that you were considering that but it's  
20 not in your report, is it?

21 A The meeting notes or the --

22 Q You testified that the North Country Council was  
23 most concerned with two places. Burial under  
24 Route 3, under the Connecticut River at Route 3,

1 and through the Notch?

2 A Yes.

3 Q Where in this section do you use the words Notch  
4 or Connecticut River?

5 A In this section, I don't believe it's mentioned,  
6 but up above in the paragraph above it refers to  
7 the six alternatives that ought to be considered  
8 including burial of part of the corridor and  
9 siting consistent with existing lines which  
10 would be existing corridors, and, of course, the  
11 Project follows existing corridors from Dummer  
12 south for the bulk of the Project all the way  
13 down through until you get to the, through all  
14 four Regional Planning Commission areas.

15 Q So you just mentioned two of the alternatives on  
16 that list in that paragraph.

17 A Yes.

18 Q The first one is "no action," isn't it?

19 A Yes.

20 Q You said, or you testified, I believe, that the  
21 North Country Council was, with regard to  
22 Pittsburg was most concerned with burial under  
23 the river, correct?

24 A Again, this was a meeting two years ago, but my

1           recollection is that they were concerned about  
2           going overhead across Route 3 and were concerned  
3           about going overhead through the Franconia Notch  
4           area.

5       Q     On SPNF Exhibit 99, paragraph number 5, you say  
6           you, you write, "The areas of most concern are  
7           Pittsburg and Franconia Ridge.

8       A     And the National Forest. Yes.

9       Q     You don't mention in here -- well, strike that.

10           We already talked about your report, how  
11           you don't mention burial under the Connecticut  
12           River, and neither do you mention burial under  
13           the Connecticut River being one of North Country  
14           Council's main concerns in this memo, do you?

15       A     No.

16       Q     You just say Pittsburg in general.

17       A     Yes.

18       Q     So didn't look at the cumulative impact  
19           regarding the wind facility, right?

20       A     No.

21       Q     And you did not evaluate the cumulative impact  
22           of the Northern Pass and Granite Reliable on the  
23           Moose Path Scenic Byway in Millsfield, did you?

24       A     I'm aware of a -- in Millsfield? No. Unless

1           you're referring to the crossing of the byway?

2       Q     I'm wondering if you considered if the Northern  
3           Pass was built, you would then have the Northern  
4           Pass -- in some sections, you would then have  
5           the Northern Pass in rather close proximity to  
6           the Granite Reliable.

7                        So my question is did you consider what the  
8           cumulative impact of those two facilities might  
9           have on the Moose Path Scenic Byway?

10      A     No. My consideration was primarily looking at  
11           land use in that area and continuation of  
12           existing uses and not interfering with those  
13           continued uses.

14      Q     This, I'm showing you the Moose Path Scenic  
15           Byway that I was talking about.

16      A     Yes.

17      Q     This is Applicant's Exhibit 2? Mr. DeWan's  
18           photo simulations. Actually, this is an  
19           existing photo. And this is the Moose Path  
20           Scenic Byway that I mentioned, and, Nicole, if  
21           you could show?

22                        And then this is Mr. DeWan's photo  
23           simulation from there. And you didn't consider  
24           the cumulative impact that the transmission line



1 and the --

2 A No, but I was aware and included in my report  
3 this crossing of Route 26 which I believe was  
4 just south and east the Log Haven Campground.

5 Q In the Portland Pipeline decision, you and the  
6 SEC found that, quote, "Hogan Road is not a  
7 corridor that would accumulate a corridor of  
8 this size," correct?

9 A Yes. I can't remember the -- it was 20 years  
10 ago so -- been a while. I'm showing my age.

11 Q SPNF 241. With regard to the Northern Pass have  
12 you given or walked North Hill Road, Old County  
13 Road or Bear Rock Road?

14 A No.

15 Q Are you familiar with those roads?

16 A Generally, but haven't been on them recently.

17 Q The Northern Pass would be buried along those  
18 roads, correct?

19 A Yes. That's my understanding.

20 Q But you didn't visit them as part of your  
21 analysis for this Project?

22 A No. I looked at the land use information and  
23 Google Earth in looking at the land uses and  
24 structures that were along the route.

1 Q When was the last time you were on Bear Rock  
2 Road?

3 A I can't remember.

4 Q When was the last time you were on Old County  
5 Road?

6 A Can't remember.

7 Q When was the last time you were on North Hill  
8 Road?

9 A Can't remember.

10 Q Do you know what town those roads are in?

11 A They're, I'm trying to remember off the top of  
12 my head. I believe Clarksville/Stewartstown  
13 area.

14 Q But you're certain you've been on them before?

15 A I've been throughout that area during my days as  
16 a DES Commissioner and worked with those  
17 communities.

18 Q Okay. But you don't know whether you've been on  
19 those roads in particular?

20 A Not recently.

21 Q Do you know if you've ever been on -- can you  
22 say with certainty that you have driven all  
23 three of those roads at one time in your life?

24 A No.

1 Q In the Pipeline case, you and the SEC found that  
2 the cleared right-of-way for a buried project  
3 through Shelburne would unduly interfere with  
4 the aesthetics, orderly development, tourist  
5 business and the land use of the area, correct?

6 A Yes.

7 Q And in the Portland Natural Gas Pipeline case,  
8 your job as the SEC Chairman was a public  
9 servant; is that correct?

10 A Yes.

11 Q And with regard to the Northern Pass as a paid  
12 consultant, is it your opinion that a 192-mile  
13 above and belowground transmission line will not  
14 unduly interfere with the order development of  
15 the region in any of the communities that it  
16 goes through?

17 A Yes. That's my opinion.

18 Q Besides the Northern Pass, you've provided  
19 opinions for Eversource or PSNH in two other SEC  
20 dockets, correct?

21 A Yes.

22 Q In the Seacoast Reliability Project your opinion  
23 was that the Project would not unduly interfere  
24 with orderly development, correct?

1 A That's correct. That follows an existing  
2 right-of-way for the entire length of the  
3 Project. Slightly deviates based on work  
4 they're doing with UNH but essentially it's an  
5 existing corridor. And the same for the  
6 Merrimack Valley Reliability Project.

7 Q You were asked the question here on SPNF 245,  
8 "Will the Project unduly interfere with the  
9 orderly development of the region?"

10 Would you please read what your answer was?

11 A Yes. "Based on careful review of the Project,  
12 and the materials cited herein, I find that the  
13 construction and operation of the Project will  
14 have little impact on local land use, tourism  
15 and recreation and community facilities and  
16 services."

17 PRESIDING OFFICER HONIGBERG: Little too  
18 fast.

19 Q Mr. Varney --

20 PRESIDING OFFICER HONIGBERG: I think what  
21 Mr. Reimers is about to ask you about is you may  
22 not have read that exactly right.

23 Q Okay. Does your --

24 A Put my glasses on. Thank you.

1 Q Does your screen have SPNF 245 up in the upper  
2 right-hand corner?

3 A Yes.

4 Q Do you see, is yours highlighted in any parts?

5 A Yes.

6 Q All right. The bottom --

7 A Line 25 is the question.

8 Q Correct. So please read beginning at line 27  
9 what your opinion was in the Seacoast  
10 Reliability case with regard to orderly  
11 development.

12 A "No. Based on a careful review of the Project,  
13 and the materials cited herein, I find that the  
14 construction and operation of the Project will  
15 have little impact on the local land use,  
16 tourism and recreation, and community facilities  
17 and services. The Project also will have  
18 economic benefits, create jobs during  
19 construction, and will provide additional state  
20 and local tax revenues. Therefore, the Project  
21 will not unduly interfere with the orderly  
22 development of the region."

23 Q Okay. And you mentioned Merrimack Valley  
24 Reliability Project?

1 A Yes.

2 Q Your opinion there was also that the Project  
3 would not unduly interfere with Orderly  
4 Development?

5 A That's correct.

6 Q Looking at this, you don't need to read it, but  
7 given the similarity in wording, you would agree  
8 that your highlighted Seacoast Reliability  
9 conclusion was for the most part a cut and paste  
10 of this Merrimack conclusion with some  
11 rearrangement?

12 A Same author.

13 Q And did that author use cut and paste?

14 A The same author used the same language which  
15 addresses the SEC criteria for Orderly  
16 Development.

17 Q And in your work for Eversource on the three  
18 cases, Northern Pass, Seacoast Reliability and  
19 Merrimack Valley, you have not found an adjacent  
20 land use that is incompatible with an Eversource  
21 transmission line, have you?

22 A Well, was the question about my work at  
23 Normandeau or my work as a SEC Chairman?

24 Q In your work for Eversource, on the three SEC

1 cases, Northern Pass, Seacoast Reliability and  
2 Merrimack Valley you have not found any adjacent  
3 land uses that are inconsistent with the  
4 proposed Eversource transmission line, correct?

5 A No.

6 Q What would it take for a transmission line to be  
7 incompatible with an adjacent land use?

8 A Typically, well, first of all, I can't speculate  
9 on what would or would not be, and I would  
10 simply say that the other two Projects are  
11 within existing corridors. They reinforce local  
12 land use patterns just like a large portion of  
13 Northern Pass does. And in each instance, I  
14 didn't see that it would have an adverse effect  
15 on local land use or on the economy as well as  
16 providing local tax revenues and not having a  
17 significant impact on the real estate value in  
18 the regional marketplace.

19 Q Moving on to prevailing land uses. In your  
20 report you have a section entitled Prevailing  
21 Land Use, and this is your report on page 5. It  
22 begins -- do you see that?

23 A Yes.

24 Q And on page 6 in that section, you state, quote,

1 "The following sections provide a general  
2 description of the prevailing land uses within  
3 and adjacent to the Project corridor and  
4 evaluate the consistency of the proposed  
5 facility with such land uses," end quote.  
6 Correct?

7 A Yes.

8 Q So let's look at the Stewartstown section of  
9 your report as an example.

10 A Um-hum.

11 Q And again, this is Applicant's Exhibit 1,  
12 Appendix 41, and we are looking at pages A-8 and  
13 we'll look at A-9.

14 This is the Stewartstown section of your  
15 report, isn't it?

16 A Yes.

17 Q And you close the Stewartstown section by  
18 stating that, quote, "A general depiction of  
19 existing land uses along the corridor in  
20 Stewartstown is provided on the attached map,"  
21 correct?

22 A Yes.

23 Q Let's look at your map. It is called Existing  
24 Land Use along the Project Corridor,



1 Stewartstown, New Hampshire. Is that right?

2 A Um-hum.

3 Q And the blue line is, do you see the blue line?

4 A Yes.

5 Q The blue line is new underground right-of-way,  
6 correct?

7 A Yes.

8 Q And the yellow line is new aboveground  
9 right-of-way, correct?

10 A Yes.

11 Q Do you know where Coleman State Park is?

12 A Yes. It's near the overhead section.

13 Q Can you be more specific where it is on your  
14 map?

15 A It's hard to read because this is a mosaic which  
16 is a little bit more generalized as a map. Most  
17 professional planners prefer not having to rely  
18 on the mosaic for the land use, but this was the  
19 best that was available through the North  
20 Country Council.

21 Q So the rules of the SEC don't require you to use  
22 mosaic, do they?

23 A They don't require any specific use. That was  
24 the best available and considered the most

1 accurate existing land use map for the town. We  
2 tried to be consistent with the towns and the  
3 Regional Planning Commissions and use the same  
4 maps that the Regional Planning Commissions  
5 would be using for a community.

6 Q Okay. Looking, your map does show features and  
7 you don't know where Coleman State Park is  
8 generally on this map?

9 A It's hard for me to read.

10 Q You want a hard copy of your map? I assume you  
11 have it in front of you.

12 My question is if he knows where it's at.

13 A There's the pond, but the colors are difficult  
14 here.

15 Q Would you agree that the SEC, Intervenors, and  
16 any member of the public who was interested in  
17 reading your report and learning about the  
18 prevailing land uses along the right-of-way  
19 would be relying on the same report that you're  
20 having trouble reading?

21 A Perhaps.

22 Q Did you provide --

23 A It's a general depiction of land use along the  
24 corridor, and I think it shows that it's a very

1 heavily forested area.

2 Q Okay. Are you aware that Coleman State Park is  
3 comprised of two noncontiguous sections?

4 A Yes.

5 Q And the new overhead right-of-way would run just  
6 south of the park, wouldn't it?

7 A Yes. Just below it, yes.

8 Q Are you aware that what I'm showing you is SPNF  
9 226 is a map of the State Park showing the two  
10 noncontiguous sections?

11 A Yes.

12 Q And would the proposed Northern Pass run in  
13 between those sections?

14 A I believe so. Yes.

15 Q The new Northern Pass overhead would run just  
16 south of the park; is that correct?

17 A Yes.

18 Q Through several sheets, is that the park still  
19 to the north of the right-of-way?

20 A Yes.

21 Q And does that look like the two parts of the  
22 park with the overhead going in between?

23 A Yes.

24 Q So let's go back to your map. That's the last

1 Project map. Does that show the Northern Pass  
2 going just sort of the end of the park and then  
3 entering Dixville?

4 A Yes.

5 Q So going back to your report, it does not depict  
6 Coleman State Park, does it?

7 A I believe the text discusses it.

8 Q The text of what?

9 A I thought it was in the text for Stewartstown.

10 Q You mean the report part of your report?

11 A Yes. Yes.

12 Q We could look. Are you looking in your report  
13 at the Stewartstown, are you trying to look at  
14 the Stewartstown section of your report?

15 A Yes. Page 10. A-10.

16 Q What is it you're looking for? A description of  
17 Coleman State Park?

18 A No. I think that it describes the --

19 Q Are you looking for the proximity?

20 A Yes.

21 Q Or the relationship between the route and  
22 Coleman State Park?

23 A Yes. It refers to Old County Road, and then the  
24 fact that it goes along the southern border of

1 Coleman State Park, across snowmobile corridor  
2 18-5, then across Heath Road and east across  
3 Diamond Pond Road and there are a few residences  
4 along the way.

5 Q Okay. So you just read, the words Coleman State  
6 Park appear in this sentence: The right-of-way  
7 follows along the southern border of Coleman  
8 State Park across snowmobile corridor 18/5 and  
9 then southeast across Heath Road and east across  
10 Diamond Pond Road, right?

11 A Yes.

12 Q Is that the full description of Coleman State  
13 Park in your report?

14 A In this particular report, yes. I believe it  
15 was discussed further in the recreation report.

16 Q Let's look at that recreation section.

17 MR. NEEDLEMAN: It actually also appears  
18 further down in that same paragraph.

19 Q Did you find -- the recreation section is page 9  
20 of your report.

21 A I was referring to a -- page 9. Okay. It's  
22 discussed under conservation lands on page 10.

23 Q On page 10?

24 A Yes.

1 Q So when you say it's discussed, you're referring  
2 to the sentences, several State of New Hampshire  
3 conservation lands --

4 A Yes.

5 Q -- forest or parks are near or interject the  
6 Project area. Examples include Coleman State  
7 Park in Stewartstown, et cetera. Correct?

8 A Yes.

9 Q And I believe Attorney Needleman pointed out  
10 another part in your town of Stewartstown  
11 section, lower in that paragraph, and there it  
12 says, quote, "The right-of-way follows along the  
13 southern border of Coleman State Park." So  
14 between your map and those three mentions of  
15 Coleman State Park, that's the most, that's all  
16 of the discussion of Coleman State Park in your  
17 report, isn't it?

18 A Perhaps.

19 Q So let's go back to your map. The green area,  
20 I'm going to make reference to the legend. The  
21 green area that surrounds Little Diamond Pond  
22 which is the smallest of those two ponds and  
23 which is within Coleman State Park, that green  
24 area is listed in the legend as being forest

1 land, isn't it?

2 A On the mosaic, yes.

3 Q It is the same color as many other parcels  
4 throughout Stewartstown, isn't it?

5 A Yes. But again, the text describes the fact  
6 that the Project goes just south of Coleman  
7 State Park so the combination of the map and the  
8 text mention that the Project is in proximity to  
9 the State Park just -- and runs just south of  
10 it.

11 Q Okay. And you're referring to that darker green  
12 that surrounds Little Diamond Pond?

13 A Yes.

14 Q Okay. And Mr. Chair? One second?

15 So this is your map and we have taken some  
16 of the land use, well, existing land uses  
17 according to the legend. And do you see the  
18 part where it says forest near Little Diamond  
19 Pond?

20 A Yes.

21 Q That's the State Park you were just referring  
22 to, right?

23 A Yes.

24 Q And do you see in the left of that it says

1 "undeveloped land"?

2 A Yes.

3 Q Are you aware that that is also part of the  
4 State Park?

5 A Yes. I am.

6 Q Okay. But your map doesn't show them as one  
7 state park or even a state park, does it?

8 A No, but, again, this was the mosaic that was  
9 provided by the New Hampshire Department of  
10 Revenue Administration.

11 Q Which you were not required to use, correct?

12 A No. We weren't required to provide any maps,  
13 but we did so as a way of describing prevailing  
14 land uses in the area in which the Project is  
15 located, and this is the level of detail that  
16 the mosaic provides.

17 Q Is it the level, is it the highest level of  
18 detail that Normandeau could have produced?

19 A No. We could have gone to the extent of  
20 producing our own maps for the area, but the  
21 Project maps and the information that's been  
22 provided by Eversource, there are all kinds of  
23 maps that are available, and there are maps on  
24 line on a town-by-town basis.



1 Q Assuming to your map's legend, the land that is  
2 colored gray-ish north of Coleman State Park is  
3 categorized as unknown, comma, vacant land,  
4 isn't it?

5 A Yes. That's again, it's produced the way that  
6 the Revenue Administration map which we were  
7 told was the best available, best available  
8 existing map for land use.

9 Q And there is a light square above Big Diamond  
10 Pond within the unknown vacant land that's  
11 categorized as unknown residential, isn't it?

12 A Yes.

13 Q What is unknown, comma, residential as a land  
14 use?

15 A There's apparently a lack of information about  
16 it, and I can't recall the exact description of  
17 what that category means.

18 Q Okay.

19 A Again, the town is heavily forested. That's the  
20 prevailing land use in the area. The report  
21 clearly indicates that the Project runs just  
22 immediately south of the Coleman State Forest on  
23 the south end of it, and the lengths are  
24 described and the proximity of some of the

1 houses is described in the report.

2 Q In your report, you use certain land use  
3 categories, but those are different than, for  
4 example, undeveloped land, unknown vacant land,  
5 unknown residential, right?

6 A Yes. Absolutely.

7 Q But you don't try in your report to reconcile  
8 these land use categories with yours, do you?

9 A No. We describe in the text the land uses that  
10 are along the prevailing land uses that are  
11 along the corridor which is what the SEC  
12 requires.

13 Q With regard to these prevailing land uses  
14 though, your maps, well, this map in particular,  
15 for example, would not help the Subcommittee to  
16 understand those prevailing land uses, would it?

17 A It indicates that it's a heavily forested area,  
18 and the text describes land uses along the  
19 route.

20 Q So according to the title of this map and  
21 others, your analysis involved looking at  
22 existing land use along the Project corridor,  
23 right?

24 A Yes, in which we, we have a general description

1 of land use types, and then on a town-by-town  
2 basis, we describe prevailing land uses along  
3 the route.

4 Q And with regard to each community that the  
5 Northern Pass would go through, you do not  
6 describe the prevailing land uses with regard to  
7 the community in its entirety, do you?

8 A No. We describe the land uses along the Project  
9 corridor.

10 Q Site Rule 301.09(a)(1) requires, quote, "a  
11 description of the prevailing land uses in the  
12 affected communities," doesn't it?

13 A Yes.

14 Q And the language of the rule does not require a  
15 description of the prevailing land uses only  
16 along and adjacent to the Project corridor, does  
17 it?

18 A Yes, but we, each section has a general  
19 description of the town and then moves into,  
20 provides a perspective on population, sometimes  
21 a little bit of history, and then provides a  
22 description of the Project corridor and then  
23 land uses along the corridor which is the  
24 description that we've provided.

1 Q Is it your opinion that what you just stated  
2 complies with the rule?

3 A Yes, and for those towns that have a Master  
4 Plan, this town does not, but for those towns  
5 that have a Master Plan, we also provide  
6 information that may have been contained within  
7 the Master Plan as well.

8 Q Now, Site 301.09(a)(2) requires a description of  
9 how the proposed facility is consistent with  
10 such land uses and identification of how the  
11 proposed facility is inconsistent with such land  
12 uses, correct?

13 A Yes.

14 Q You don't identify any locations along the 192  
15 miles that would be inconsistent with prevailing  
16 land uses, do you?

17 A I didn't find any.

18 Q You mention rural character a few times in your  
19 report, don't you?

20 A Yes, primarily in description of Master Plans.

21 Q So, for example, here in your report  
22 methodology, you mention rural character.

23 A Yes. This is referring to plans that are  
24 developed in this case by a regional planning

1 commission.

2 Q And I want to go to the ELMO.

3 (Discussion off the record)

4 Q Another reference to rural in your report  
5 includes in the town of Canterbury where you  
6 state, "The historic Shaker Village was settled  
7 in 1792 within the eastern portion of the  
8 community in an area that remains relatively  
9 rural in nature," is that correct?

10 A Yes.

11 Q Please tell me your definition of rural  
12 character.

13 A It's an area that's not heavily developed, and  
14 there are many different definitions of rural by  
15 federal agencies so there's no one definition,  
16 but it's generally areas that are more sparsely  
17 populated and then others that are more urban or  
18 suburban in nature. So this refers to the  
19 Shaker Village location which is about, almost a  
20 little more than five and a half miles east of  
21 I-93.

22 Q In your report you discuss the North Country  
23 Council's regional plan and state -- I forgot  
24 we're on ELMO. Can we switch back?

1           So in your report you discuss the North  
2           Country Council's regional plan and state,  
3           quote, "One of the most important regional  
4           assets noted in the regional plan is the rural  
5           landscape that contains working forests and  
6           farms, a patchwork of villages and community  
7           centers, and scenic and natural resources that  
8           support both wildlife and tourism," correct?

9           A     Yes.

10          Q     And according to your text, which is not a quote  
11                from the regional plan, rural landscape includes  
12                several things including scenic resources,  
13                doesn't it?

14          A     Yes.

15          Q     You would agree that scenic or visual components  
16                are part of a rural landscape, wouldn't you?

17          A     Yes. Usually. There may be many, there are  
18                many rural areas that are wooded and heavily  
19                forested and don't necessarily have a view, but  
20                you may come across a farm that may not be part  
21                of a larger landscape.

22          Q     Was it your testimony that you did not consider  
23                scenic views or visual components in your  
24                analysis?

1 A There was another expert who reviewed visual  
2 impacts.

3 Q Did you testify that you did not consider scenic  
4 views or visual components as part of your  
5 analysis?

6 A We didn't do an assessment of scenic views or  
7 visual impacts. That was conducted by Terry  
8 DeWan & Associates.

9 Q But it is part of, visual components are part of  
10 your assessment of rural, correct?

11 A It's part of it. It's an area that's not  
12 heavily developed.

13 Q Right.

14 A So there are many rural areas, and there are  
15 many transmission lines that run through rural  
16 areas.

17 Q I agree. But you said it's part of it.

18 A This was referring to how they described it in  
19 the Regional Plan.

20 Q Rural character cannot be fully assessed without  
21 considering what is visible or not visible, can  
22 it?

23 A An area can be rural if it's simply sparsely  
24 populated without any sort of a Visual

1 Assessment.

2 Q In your report you discuss several categories of  
3 land use including forests, agriculture,  
4 residential, commercial, industrial,  
5 transportation, and utilities, recreation,  
6 conservation lands, historical/archeological  
7 resources, wetland and water resources and  
8 wildlife habitat; is that correct?

9 A Yes. It's a summary for each.

10 Q And that's at page 4 of your report. In your  
11 analysis of Orderly Development, I want to talk  
12 about residential. You reviewed and considered  
13 the testimony and report of Mr. Chalmers,  
14 correct?

15 A Yes.

16 Q And a viewshed is relevant to residential use,  
17 isn't it?

18 A For him it is, but I relied on his report as it  
19 related to impact on real estate markets. That  
20 was his assessment, and I relied on his report  
21 for that issue.

22 Q His assessments of real estate markets you're  
23 saying that you didn't -- where do you state in  
24 your testimony the particular sections or



1 opinions of Mr. Chalmers that you did consider  
2 and the ones that you didn't consider?

3 A I read his entire report. I thought it was very  
4 well done, very informative, and very  
5 interesting. Especially having been on the SEC  
6 previously, it was probably one of the best  
7 reports that I've seen and was very thorough.  
8 So I read his report with great interest.

9 Q And where in your testimony do you state which  
10 parts of Mr. Chalmers' report you are relying on  
11 and which ones you are not?

12 A I relied on his testimony which summarizes his  
13 findings in the report.

14 Q But you did not consider, Mr. Chalmers  
15 identified the change in view as an impact on  
16 several properties, didn't he?

17 A Some properties. Yes.

18 Q Is there a difference between several and some?

19 A No. I can't remember the exact number of  
20 properties, but it was, there were a limited  
21 number of properties that were in close  
22 proximity to the line.

23 Q And it was the change in view that resulted?

24 A Yes.

1 Q But that wasn't part of his report that you  
2 considered?

3 A No. I did consider the findings in his report  
4 which found that there were some areas where  
5 there could be an impact, and it had, it was  
6 associated with whether or not there was a clear  
7 view of the power line already or not, whether  
8 or not that view was going to change, whether it  
9 was more visible after the Project is completed,  
10 and then it also looked at the relation between  
11 the right-of-way and the structure and the  
12 distances where generally the potential effects  
13 declined as you moved away from the line and  
14 that for the vast majority of properties it was  
15 less than 100 feet to have any impact and then  
16 of those, some had no view before and no view  
17 after. Others had a change in which they  
18 couldn't see it and now they could, but it was,  
19 obviously, a limited number of properties, and  
20 he's already testified on the details of that.

21 Q You're very familiar with Mr. Chalmers's use and  
22 consideration of views, it appears. Would you  
23 agree with that?

24 A Certainly not an expert on the topic as he is,

1 but I relied on his judgment and his assessment  
2 which I thought was very fair and accurate.

3 Q Throughout the town-by-town analysis in your  
4 report you mention nearby residences and the  
5 view they may or may not have of the Northern  
6 Pass. For example, with regard to a portion of  
7 Stewartstown you state, quote, "There are a few  
8 residences, many of which appear to have a  
9 moderate to dense tree cover buffer, between the  
10 houses and the right-of-way," correct?

11 A Yes.

12 Q So you are commenting on the view or lack of  
13 view that those residences would have of the  
14 Northern Pass, aren't you?

15 A It's referring to the tree cover that may  
16 provide a buffer between the homes and the right  
17 of way. It was not an assessment of each  
18 property and the view that they may have but  
19 rather identifying the fact that this area is  
20 heavily forested, and in areas where there  
21 appeared to be a tree cover that potentially  
22 could be a buffer between the right-of-way and  
23 the house, it was noted.

24 Q A buffer for visibility, correct?

1 A Well, for visibility, but also for other aspects  
2 of living in that house, and some cases it's a  
3 buffer for visibility, could be a buffer that's  
4 related to noise during construction or some  
5 other issue.

6 Q Okay. With regard to conservation land,  
7 viewshed may also be relevant to the conserved  
8 land use, conserved land land use, correct?

9 A Yes.

10 Q In your report you state, quote, "The Project  
11 will not interfere with or have an adverse  
12 impact on conservation lands and will not alter  
13 the ongoing long-term management, use or public  
14 access to these parcels," correct?

15 A Yes, following along from the prior paragraph  
16 that says that the Project crosses some local  
17 and private conservation lands, and, in many  
18 cases, the existing transportation utility  
19 corridors were established prior to the  
20 designation of these conservation parcels. So  
21 this indicates that the continued use of those  
22 lands as conservation lands will not be affected  
23 as a long-term issue.

24 Q I read the quote correctly, didn't I?

1 A I think so. Yes.

2 Q You reviewed some conservation easements along  
3 the route?

4 A Noted that, yeah, there were some conservation  
5 lands along the route and saw no reason why the  
6 Project would have a long-term adverse impact on  
7 those lands.

8 Q In your report you mention a few conserved  
9 parcels. So you looked, it appears from reading  
10 your report that you looked at or read some  
11 conservation easements related to along the  
12 route, right?

13 A No. I didn't read the easements, but using New  
14 Hampshire GRANIT and other sources tried to  
15 identify areas where there were conservation  
16 lands that existed, and I believe there was a  
17 report that identified some of those that was  
18 prepared by someone else.

19 Q Okay. You mentioned some conserved lands on  
20 which the purpose of the easement included  
21 ongoing agriculture and forestry, correct?

22 A Yes.

23 Q And you ascertained the purposes of those  
24 easements without looking at the easements?

1 A No. I don't think I was trying to make a  
2 judgment about easement language. Simply  
3 stating that, one, that those uses are likely to  
4 continue and will not be significantly affected  
5 by the Project, and also with the knowledge that  
6 there was a visual impact expert on board to  
7 look at that issue as well.

8 Q In addition to forestry and agriculture being  
9 common uses or purposes of conservation  
10 easements, are you aware that preserving the  
11 scenic view is another common purpose of some  
12 conservation easements?

13 A Yes. Some. Yes.

14 Q As an example, are you aware of the conservation  
15 easement granted to the New England Forestry  
16 Society by John and Nancy Conkling on 84 acres  
17 of land in New Hampton?

18 A I can't recall. I'm sure I saw it on a map, but  
19 I've never seen the text of the easement.

20 Q Are you generally familiar with conservation  
21 easements?

22 A Generally.

23 Q Are you aware that a conservation easement  
24 provides permanent protection?

1 A Yes, for that particular parcel of land. Yes.

2 Q Correct. So looking at this Conkling  
3 conservation easement, preserving the, quote,  
4 scenic and open space values of the property  
5 appears to be one of the primary purposes of the  
6 easement, isn't it?

7 A It's, yeah, one of many factors that are listed  
8 along with natural resources, productive soils,  
9 diverse wildlife, plant habitat, wetlands, and  
10 streams.

11 Q The Conkling homestead is adjacent to and partly  
12 within the right-of-way. Are you aware of that?

13 A Yes. I can't remember the details.

14 Q Can you see in the upper right where it says  
15 Conkling Conservation Easement? We're looking  
16 at Project map 134 which is Applicant's Exhibit  
17 2.

18 A Yes, I see it now.

19 Q Where it says Conkling Conservation Easement?

20 A Yes, I see it.

21 Q Do you see signatory where there's one tower  
22 within the easement property?

23 A Yes.

24 Q So if the Northern Pass would be visible from

1 conserved land protected with a stated purpose  
2 of preserving the scenic view, the Northern Pass  
3 would interfere with that purpose, wouldn't it?

4 MR. NEEDLEMAN: Objection. That calls for  
5 a legal conclusion, and it also doesn't factor  
6 in when the easements were established.

7 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

8 MR. REIMERS: If the easement was  
9 established prior to -- let's say the easement  
10 was established after the existing transmission  
11 structures were built. So transmission  
12 structures in place, then the easement was put  
13 on, and then the Northern Pass comes along, and  
14 when that easement was put in place with the  
15 existing structures, one of the purposes was to  
16 preserve the scenic view.

17 MR. NEEDLEMAN: Same objection.

18 PRESIDING OFFICER HONIGBERG: I don't  
19 understand what you just did.

20 MR. REIMERS: Part of the objection was Mr.  
21 Needleman said that my question didn't involve  
22 when the conservation easement was.

23 PRESIDING OFFICER HONIGBERG: And the other  
24 part was "calls for a legal conclusion." Did



1           you deal with -- I mean, I understand that  
2           you're trying to deal with the second one. Did  
3           you try and deal with the first?

4           MR. REIMERS: No. I'm still asking my  
5           question, but I'll deal with it --

6           PRESIDING OFFICER HONIGBERG: Can you start  
7           again then maybe with a new question fresh from  
8           beginning to end?

9           MR. REIMERS: Yes.

10          PRESIDING OFFICER HONIGBERG: To be clear,  
11          I mean, it may be the same question. I just  
12          want to make sure that we've got what you're  
13          doing to it to try to address the objection.

14          MR. REIMERS: Understood.

15          BY MR. REIMERS:

16          Q       If the Northern Pass would be visible from  
17          conserved land protected with a stated purpose  
18          of preserving the scenic view, and the  
19          conservation easement was put in place with  
20          those existing structures, would you expect the  
21          Northern Pass to change the view from that  
22          property?

23          MR. NEEDLEMAN: Objection. Calls for a  
24          legal conclusion.

1 MR. REIMERS: I thought I avoided the  
2 legal --

3 PRESIDING OFFICER HONIGBERG: Hang on. I  
4 actually think that all of the prelanguage that  
5 had the legal stuff in it isn't part of the  
6 question. Ultimately, the question is: Assume  
7 a piece of property, would the towers change the  
8 view. Ultimately the question is, would it  
9 change the view, right?

10 MR. REIMERS: Nothing to do with the  
11 easement language. Yes. With the view change.

12 PRESIDING OFFICER HONIGBERG: From any --

13 MR. REIMERS: Would the Northern Pass  
14 change the scenic view on that property.

15 PRESIDING OFFICER HONIGBERG: Mr.  
16 Needleman?

17 MR. NEEDLEMAN: To the extent that's now  
18 the question, that's not this witness's area of  
19 expertise. We just had the Aesthetics Panel.

20 MR. REIMERS: May I answer?

21 PRESIDING OFFICER HONIGBERG: Yes.

22 MR. REIMERS: The reason I'm asking the  
23 witness this is that this witness evaluated land  
24 uses. One of the land use categories he

1 evaluates are conserved land. Within his report  
2 he talks about, I had quoted, well, he agreed  
3 with me that he talked about certain conserved  
4 lands that are used for agriculture and  
5 forestry. And I agree that those are two common  
6 purposes of conservation easements, and he  
7 agreed, and the witness agreed with me that  
8 preserving a scenic view is another common  
9 purpose of a conservation easement.

10 So if the witness in his report purports to  
11 talk about how the Northern Pass would or would  
12 not affect conserved lands, I think it's a fair  
13 question to ask this witness, did he consider  
14 the view and change in scenery?

15 PRESIDING OFFICER HONIGBERG: Okay. I  
16 don't recall the answers that you're referring  
17 to, but I accept what you just said. I think  
18 Mr. Reimers, you're probably right. You can ask  
19 a question about if it's been preserved for a  
20 view reason and it can see the towers, does that  
21 change the view?

22 MR. REIMERS: Um-hum. Correct.

23 PRESIDING OFFICER HONIGBERG: Go ahead.

24 BY MR. REIMERS:

1 A And if you can see the structures, and the  
2 structures are higher, it may change the view,  
3 but it may not be a significant adverse effect.  
4 It's a site-specific situation, and it's also,  
5 of course, within an existing right-of-way with  
6 continued utility use.

7 Q So we were talking about the importance of  
8 viewshed to various land uses that you discuss  
9 in your report. Regarding recreational land  
10 use, that was another one, category, of land  
11 use?

12 A Yes.

13 Q And a viewshed is relevant to certain  
14 recreational uses such as hiking, fishing and  
15 boating, isn't it?

16 A Yes.

17 Q And even if the recreational activity itself  
18 would not be prevented by the transmission  
19 towers and lines, views of the Project could  
20 diminish the recreational experience, couldn't  
21 it?

22 MR. NEEDLEMAN: Objection. We're into the  
23 same territory from the Aesthetics Panel. They  
24 just testified to all these issues.

1 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

2 MR. REIMERS: The witness is talking about  
3 recreational land uses. Throughout his report  
4 he mentions various ponds, sometimes he mentions  
5 what they're used for. And so if he's talking  
6 about land uses and including recreational as  
7 one of the small number of categories, again, I  
8 think it's a fair question to ask him about the  
9 change over those users.

10 PRESIDING OFFICER HONIGBERG: Overruled.  
11 He can answer.

12 BY MR. REIMERS:

13 A My assessment is that recreational uses will  
14 continue, existing recreational uses will  
15 continue after the Project is constructed, and  
16 I've seen numerous instances of Projects where  
17 there's a wide range of recreational uses that  
18 are within and around the rights-of-way.

19 Q And my question was, assuming that the  
20 recreational activity itself would not be  
21 prevented, the towers and lines or the views of  
22 the Project could diminish the recreational  
23 experience for uses, couldn't it?

24 A I didn't conduct the Visual Impact Assessment of

1 any of these sites so I think it's pure  
2 speculation, and I didn't address that in my  
3 report.

4 Q Would a view of the Northern Pass enhance the  
5 experience for a hiker, fisherperson or boater?

6 A Would a view of the lines?

7 Q Right.

8 A Probably not.

9 Q So I have some questions that are intended to  
10 understand the basis for your conclusions.

11 Attorney Pappas asked you some so I'll try  
12 to cut out some. Your opinion with regard to  
13 the existing rights-of-way is partly based on  
14 the assessment that from a historical context  
15 these rights-of-way may have predated some  
16 current adjacent land uses and that these uses  
17 have since coexisted with the utility  
18 right-of-way; is that correct?

19 A That's part of it.

20 Q Right. And in the existing right-of-way, the  
21 towers, the existing towers are generally below  
22 tree line, aren't they?

23 A In areas where there are forests near it. Yes.

24 Q For example, this is Inspiration Point in

1 Bristol. I'm showing you Mr. DeWan's, I think  
2 it's Appendix 17, page APP 14564. Do you see  
3 that?

4 A Yes.

5 Q And this is Mr. DeWan's photo simulation from  
6 Inspiration Point. Do you see that?

7 A Yes.

8 Q So in this area, at least, the Northern Pass  
9 towers would for the most part if not completely  
10 be above the tree line, wouldn't they?

11 A Perhaps. I don't know the age of the trees or  
12 whether or not that area is, whether that's been  
13 recently cut over or not. It's hard to  
14 speculate.

15 Q So this photo simulation might show towers that  
16 are below the tree line?

17 A I don't know. I would just say that based on my  
18 own experience in environmental permitting that  
19 I've frequently been surprised to look at some  
20 Projects after the fact and see how what at one  
21 point seemed like something highly visible that  
22 later on as the trees matured and trees, in this  
23 case would be trees in front of the towers, that  
24 it may or may not be as visible in the future,

1 but I'm not an expert on Visual Impact  
2 Assessment.

3 Q Attorney Pappas asked you about the intensity of  
4 use; do you remember that?

5 A Yes.

6 Q And you said that with regard to height, you  
7 have no, quote, "bright line," end quote, test,  
8 correct?

9 A Yes.

10 Q Do you have a line? I mean, is there a line at  
11 which the height of a tower would be too much?

12 A I can't speculate.

13 Q So I want to talk about your reasoning with  
14 regard to the new right-of-way. On page 1 of  
15 your report you state, quote, "The right-of-way  
16 between Pittsburg and Dummer is approximately 40  
17 miles in length. Approximately 32 miles of this  
18 section of the right-of-way will be a new  
19 corridor between Pittsburg and Dummer and  
20 traverses sparsely populated land, primarily  
21 forested and managed for timber and recreational  
22 uses, which will continue largely interrupted,"  
23 is that correct?

24 A Yes.



1 Q Is your opinion that the Northern Pass  
2 compatibly fits into an area that is sparsely  
3 populated?

4 A That it fits into the area in which it's been  
5 proposed, and this was an attempt to provide the  
6 reader with a sense of that area which is a  
7 working forest, sparsely populated, and in many  
8 cases, relatively remote.

9 Q It's your opinion that the Northern Pass  
10 compatibly fits into an area that is managed for  
11 timber and recreation?

12 A Yes, and that was also reinforced by someone  
13 from Wagner Forest Woodlands who spoke at one of  
14 the public meetings in support of the Project  
15 and who indicated that they were very  
16 comfortable with the proposed location and felt  
17 that their forest activities could continue  
18 uninterrupted by the Project.

19 Q Where in your report do you analyze why any  
20 particular areas managed for recreational use  
21 will not be unduly interfered with?

22 A Could you rephrase that?

23 Q In your report, do you analyze why any  
24 particular areas that are managed for

1 recreational use, why those will not be unduly  
2 interfered with by the Northern Pass?

3 A Because traditional activities like hunting and  
4 fishing can continue. The use of trails in that  
5 area by snowmobilers and others should be able  
6 to continue. And there's, I don't see any  
7 reason why continued recreational uses of the  
8 land which is private property would not be, and  
9 speaking of the Wagner lands, would not be  
10 interrupted.

11 Q Regarding the 32 miles of new overhead  
12 right-of-way, 24 miles of that would be through  
13 the Wagner Forest, right?

14 A Yes.

15 Q And putting aside the 24 miles, 8 miles of the  
16 32 miles of new overhead right-of-way includes  
17 about 2.1 miles in Pittsburg, correct?

18 A Yes.

19 Q And about 2.2 miles in Clarksville?

20 A Yes.

21 Q And about 3.5 miles in Stewartstown right up to  
22 the Dixville line?

23 A Yes.

24 Q And if the Northern Pass Project would unduly

1 interfere with the orderly development of the  
2 region in one municipality, the Subcommittee  
3 should deny this Project, shouldn't it?

4 MR. NEEDLEMAN: Objection. Calls for a  
5 legal conclusion.

6 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

7 MR. REIMERS: He made that those legal  
8 conclusions in the Portland Natural Gas case.

9 MR. NEEDLEMAN: It's completely different.

10 PRESIDING OFFICER HONIGBERG: He's not here  
11 as the Chair of the SEC.

12 PRESIDING OFFICER HONIGBERG: Off the  
13 record.

14 (Discussion off the record)

15 PRESIDING OFFICER HONIGBERG: Mr. Reimers  
16 has a short, what he promises is a short section  
17 of questioning on confidential information that  
18 is, it's not historic or archeological. It's  
19 subject to the confidentiality agreements, I  
20 think, that are in place. Mr. Needleman?

21 MR. NEEDLEMAN: I think that's my  
22 understanding. We're going to ask Mr. Getz to  
23 come in and just make sure we have the right  
24 people in the room before we start.

{WITNESS: VARNEY - REDACTED}

1           PRESIDING OFFICER HONIGBERG: We'll give  
2 people a chance to sort themselves out, and go  
3 off the record to do that, and then when we come  
4 back on, we'll let Mr. Reimers do that  
5 questioning.

6           (Discussion off the record)

7           *(Pages 148 through 152 of the*  
8           *transcript are contained under*  
9           *separate cover designated as*  
10          *"Confidential and Proprietary.")*

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C E R T I F I C A T E

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

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

Dated at West Lebanon, New Hampshire, this 24th day of September, 2017.

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Cynthia Foster, LCR