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:

Chmn. Martin Honigberg Public Utilities Comm.
(Presiding Officer)

Dir. Craig Wright, Designee Dept. of Environ. Serv.
Christopher Way, Designee Dept. of Business &
Economic Affairs
William Oldenburg, Designee Dept. of
Transportation
Patricia Weathersby Public Member

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
<table>
<thead>
<tr>
<th>WITNESS</th>
<th>ROBERT W. VARNEY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Examination by Mr. Needleman</td>
<td>4</td>
</tr>
<tr>
<td>Cross-Examination by Mr. Reimers</td>
<td>81</td>
</tr>
</tbody>
</table>

**NOTE TO READER:**

CONFIDENTIAL SESSION under separate cover containing Pages 148-152
<table>
<thead>
<tr>
<th>EXHIBIT ID</th>
<th>DESCRIPTION</th>
<th>PAGE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>APP 20</td>
<td>Prefiled Testimony of Robert W. Varney, 10/16/15</td>
<td>4</td>
</tr>
<tr>
<td>APP 96</td>
<td>Supplemental Prefiled Testimony of Robert W. Varney, 4/17/17</td>
<td>4</td>
</tr>
<tr>
<td>CFP 471</td>
<td>Central NH Regional Planning Commission Planner Meeting Summary, CFP013256-13267</td>
<td>38</td>
</tr>
<tr>
<td>CFP 487</td>
<td>Chapter 162-H:16, Findings and Certificate Issuance, CFP013389</td>
<td></td>
</tr>
<tr>
<td>SPNF 99</td>
<td>Central NH Regional Planning Commission Planner Meeting Summary</td>
<td>102</td>
</tr>
<tr>
<td>SPNF 226</td>
<td>Map NH Fish &amp; Game Trapping Units - Coleman State Park</td>
<td>114</td>
</tr>
<tr>
<td>SPNF 241</td>
<td>Decision - PNGTS, SPNF 07318-7343</td>
<td>93</td>
</tr>
<tr>
<td>SPNF 245</td>
<td>Prefiled Testimony of Robert W. Varney, Seacoast Reliability Project, Application of PSNH</td>
<td>107</td>
</tr>
<tr>
<td></td>
<td>SPNF 07358-07359</td>
<td></td>
</tr>
</tbody>
</table>
PROCEEDINGS

(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?


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
Q  Do you adopt both and swear to them today?
A  I do.

MR. NEEDLEMAN: All set, Mr. Chair.

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

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

CROSS-EXAMINATION

BY MR. PAPPAS:
Q  Good afternoon, Mr. Varney.
A  Good afternoon.
Q  I want to start by asking you the purpose of your testimony, and it's in your Prefiled Testimony and we're going to put Applicant's Exhibit number 20, and if you look on page 3, starting with line 7, the question, the question is -- I'm sorry. Line 1. The question is what's the purpose of your testimony, and as I understand it, two things. You're going to testify about today and after today first is to
provide your opinion on potential impacts of construction and operation of the Project on local land use, correct?

A Yes.

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

A Yes.

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

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

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

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

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

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

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

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

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

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

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

A No separate reports on specific locations.

Q Thank you.

As I understand your first opinion is that in terms of the potential impact on each town,
there will be no adverse impact from
construction of the line and operation of the
line, correct?

A  No significant impact, permanent impact,
    associated with the operation of the Project.

There will be temporary impacts, obviously, as
there is with any linear construction project.

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

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

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

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

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

Q  Is it your opinion that the impact from
    construction won't unduly interfere with the
    local land uses in the 3 towns?
Again, there will be temporary impacts associated with the construction, but once constructed, there will be very little, if any, impact on land use along the right-of-way.

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

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

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

I didn't do a special study on construction impacts, but I did consider it. I also reviewed the information in the Draft EIS that was
associated with construction as well as the assessment by Tom Wagner, the Forest Supervisor, who just recently issued a letter about the ROD for the Project. But that letter is a summary of some of those construction issues. I did not base my opinion on his letter. But it lays out the fact that there obviously are, everyone acknowledges that there will be some short-term construction impacts on adjacent property owners, and it's very important for the SEC and for the Applicant to try to ensure that those impacts are minimized for the property owners along the way.

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

A I have the assumption that these impacts will be carefully managed, and working with local landowners it can be done in such a way that's reasonable and will not adversely affect them on an ongoing basis. There will be a temporary
I apologize for beating a dead horse, but I think I do need an answer to are you rendering an expert opinion on whether or not the impact from construction of the Project will reasonably or unreasonably interfere with land use along the route?

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

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

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

Do you have an opinion as to whether it will unduly interfere with the operation of any of the local land use during construction?
A  I don't see any reason why there would be any significant adverse effect beyond the temporary impacts.

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

A  Yes.

Q  Okay. Fair enough.

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

A  Correct.

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

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

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

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

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

A  Yes.
In fact, you used to sit on the SEC, and I believe you Chaired it as well; is that correct?

Yes.

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

Yes.

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

Yes.

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

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

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

I'm not following the question.

Sure. You would agree with me in order for an expert to render an expert opinion they need to
do a sufficient amount of study and analysis of
the subject, correct?
A  Yes.
Q  And do you feel that you've done sufficient
study and analysis of each subject on which
you're rendering an expert opinion?
A  Well, yes. As it relates to land use it is
associated with the land use report that's been
prepared. Also Master Planning reports, and
then as it relates to the other topics under
Orderly Development, the Prefiled Testimony and
Supplemental Testimony of Jim Chalmers and Lisa
Shapiro, Mitch Nichols and who am I leaving out?
Q  Dr. Chalmers?
A  Dr. Chalmers, yes.
Q  So I want to make sure I'm clear on the
distinction.
A  Julia Frayer. I'm sorry. That was the name I
forgot.
Q  Okay. For land use, you yourself have done
sufficient analysis and study to render an
expert opinion, correct?
A  We reviewed existing land use along the entire
right-of-way, and included maps of the route,
oftentimes layered on top of existing land use maps that we were able to obtain from the local communities and/or the Regional Planning Commissions. And I think it provided a fairly accurate overall description of land use along the right-of-way. There may be some minor changes here and there, perhaps, but overall, it provides a good general overview of what's along the right-of-way, the prevailing land uses that exist in which the Project is located.

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

A Yes.

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

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

Q Okay. And in order to render an expert opinion
as I think I just said a moment ago, you have to engage in sufficient study or analysis of the facts in order to render that opinion, correct?

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

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

A I have a degree in economics.

Q Do you consider yourself an economist?

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

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

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

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

A No. Absolutely not.

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

A Yes.

Q And Ms. Frayer wrote an Expert Report and filed Prefiled Testimony in October of 2015, correct?
Q And did you read her report and Prefiled Testimony after it was filed?
A Before it was filed, I believe. I believe I saw it, a draft, before it was submitted to the SEC.
Q Do you remember when you saw that draft?
A I can't recall, but it would have been in advance of my filing my Prefiled Testimony because I referred to it in my Prefiled Testimony.
Q Would you have reviewed it more than 30 days before?
A I can't recall. It's been quite a few months now.
Q Um-hum. Do you think it would have been more than 6 months before you filed your Prefiled Testimony?
A I can't recall.
Q Okay. Now, Ms. Frayer used economic models in her analysis, correct?
A Yes.
Q And she offered expert opinions in her report in Prefiled Testimony on economic issues, correct?
A Yes.
And you're not offering in this proceeding any expert opinions on any of the economic issues addressed by Ms. Frayer, are you?

No.

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

Yes.

You're not testifying as an economic expert?

No.

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

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

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

No. That was done by Dr. Shapiro.

So I would be correct, you're not testifying as
a tax expert, correct?

A Correct.

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

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

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

A Yes.

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

A Yes. All of them.

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

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

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

A I'm not here to testify on any specific elements
of their reports, but I did very carefully
review them and I found them to be well done by
highly qualified people who I think did a great
job of describing those four issues.

Q And that's your view of their reports, correct?
A Yes.

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

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

Q On the screen now is Counsel for the Public's
487 which is a copy of RSA 162-H:16, and what's
highlighted is the portion of 162-H:16, IV, that
indicates, "In order to issue a certificate, the
committee shall find that the site and facility
will not unduly interview with the orderly
development of the region with due consideration
having been given to the views of municipal and
regional planning commissions and municipal
governing bodies." Do you see that?
A Yes.
Q Is that what you considered in order to render your expert opinion on Orderly Development?
A Oh, I certainly did consider views of municipalities.
Q No, I'm asking you what I just read. Is that the standard, if you will, that you used in rendering your expert opinion on Orderly Development?
A That's one of the findings that the SEC must make.
Q But is that what you relied on in rendering your expert opinion?
A Again, I'm not following the question. This is a finding that the SEC must reach that's in RSA 162-H.
Q My question is a little -- I think --
A I don't know --
Q Let me see if I can help. My question is, in order to render your opinion that this Project will not unduly interfere with orderly development, is this what you looked to, what I've highlighted here?
A That's one of the factors that I looked at. Not exclusively.
Q Okay. But you considered everything that's in the highlight?

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

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

A Yes.

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

A Yes.

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

A Yes.

Q And you studied and analyzed that opinion and rendered an opinion expert opinion on that; is
that correct?

A Yes.

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

A Yes.

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

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

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

A I reviewed and considered it.

Q But you reviewed and considered it.

A Yes.

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

A No. I did not.

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

A Yes.

Q And again, you're not rendering an expert opinion on that issue. You read and considered
Ms. Frayer's opinion on that, correct?

A  Yes.

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

A  Yes.

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

A  Correct.

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

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

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

A  Correct.

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

A  Yes.

Q  And I understand that you met with them and
obtained information from them, correct?

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

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

A Correct.

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

A Yes.

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

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

Q So to the extent that you considered any of the views of municipal governing bodies, that information would be found within the Applicant's Application?
A: Yes.
Q: Okay.
A: And I think I described in the testimony that I also considered comments submitted as part of the Draft EIS process as well.
Q: Okay. So would it be fair to say that you considered the views of municipal and regional planning commissions and you considered the views of municipal governing bodies, but you're not offering expert opinion on what those views are. You've just, you've just considered their views, correct?
A: I considered their views and the issues that were raised.
Q: To the extent that you were aware of them.
A: Yes.
Q: For instance, you didn't meet with any Selectmen, did you?
A: No.
Q: Did you meet with any planning boards?
A: No.
Q: Did you meet with any zoning boards?
A: No.
Q: Okay. So to the extent that you considered, for
instance, the views of municipal governing bodies, it would just simply be whatever is in the Application.

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

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

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

Q  And those were in September of 2015, correct?

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

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

A  Okay.

Q  So if you considered comments at public meetings, you would have referred to them in
your report?

A  I believe so, yes.

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

A  Yes.

Q  Did you meet with any of them?

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

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

A  Yes. Some do.

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

A  No, nor was I required to.

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

A  Is it highlighted?

Q  No. It's right below the highlight.

A  Okay.

Q  Can you see that on your monitor?

A  Yes.

Q  Okay. I don't need to read all of it, but if
you look at the first four items, the welfare of
the population, private property, location and
growth of industry and overall economic growth
of the state, those aren't items that you
yourself analyzed, correct?
A No.
Q Okay. No, you did not analyze them, correct?
A Correct.
Q And then continuing on in that same 301.16,
there are some more items, the environment,
historic sites, aesthetics, air and water
quality, use of natural resources and public and
health and safety. I understand earlier you
tested about some air and water quality,
correct?
A And greenhouse gases.
Q Okay. Other than that, you didn't study or
offer expert opinions on the other items listed,
correct?
A No. That was covered by other experts.
Q Now, what's on the screen in front of you is SEC
Site 301.09, effects on orderly development of a
region, do you see this?
A Yes.
Q  Okay. And this lists, and it continues on to
the next page, the items that are to be included
in the Application, correct?
A  Yes.
Q  And as I understand it, I think you testified
earlier that you reviewed -- did you review
these items as part of your work?
A  Yes.
Q  Okay. And you reviewed them if they're found in
the Application, correct?
A  Yes.
Q  So let me ask you some questions about some of
the specific things you did.
A  Um-hum.
Q  As I understand it, you reviewed long-range
planning documents, correct?
A  Yes.
Q  You reviewed city and town master plans?
A  Yes.
Q  You reviewed regional plans that were drafted by
regional planning commissions?
A  Yes.
Q  You reviewed some state planning documents?
A  Yes.
Q And you reviewed some other documents such as highways and byways and rivers?
A River corridor management plans, yes.
Q And you met with the four Regional Planning Commissions that cover this region, the region of the Project?
A Yes.
Q All right. So you met with the North Country Council?
A Yes. An in-person meeting as well as a followup call after the announcement of the undergrounding.
Q You met once with the Lakes Region Planning Commission?
A Yes.
Q And you met once with the Central New Hampshire Regional Planning Commission?
A Yes.
Q And you also met once with the Southern New Hampshire Planning Commission?
A Yes.
Q Okay. Now, as I understand it, the focus of your meetings with various -- let me back up a minute.
In addition, you also met with planners that, towns that had planners you met with those planners as well, correct.

A Professional planners, yes.

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

A Correct.

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

A Yes.

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

A Correct.

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

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

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

A: Yes.

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

A: Yes, and also land use mapping.

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

A: Yes.

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

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

Q: Okay. And in fact, when you met with the various professional planners, you told them that that was your preliminary conclusion,
correct?

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

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

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

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

A Yes. It was very well-known.

Q Okay.

A Yes.

Q And in these meetings, you didn't ask any of the
planners you met with what their opinion of
whether or not the Project would interfere with
orderly development of the region, correct?
A I asked them about concerns that they are
hearing. I didn't ask them for an ultimate
opinion because they didn't even have an
Application in front of them. Wouldn't have
been fair to them.
Q And as I understand it, when you met with the
planners, you yourself didn't take any notes,
correct? Somebody else from Normandeau took
notes?
A I believe Kerrie Diers, a professional planner,
took the notes.
Q Okay. And Ms. Diers' notes were then later
typed into meeting summaries?
A Yes. Yes.
Q And those summaries were produced in Data
Requests, right?
A Yes.
Q And those summaries don't discuss the views or
opinions of any of the planners you met with,
correct? They simply discuss concerns heard.
A Well, in many cases, there had been some views
previously expressed by the municipality in which they worked or a community that they were serving, and so I was aware of that. They were aware of that. And the key is that we wanted to identify what issues of concern do your communities have, what are those that are underlying, under those views, and to seek information about the accuracy of our information.

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

A As proposed. Yes.

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

A Yes, it was in their office.

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

A Yes.

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

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

Q And under the Discussion section is where you would list any, the concerns you heard in these meetings, correct?
A Yes.

MR. IACOPINO: Mr. Pappas, are you showing him Counsel for the Public Exhibit 471?
MR. PAPPAS: I am. Thank you for reminding me.

BY MR. PAPPAS:
Q If you look under discussion number 2, it indicates that the biggest concerns that they have heard from towns is the visual impact of the Project on scenic resources and the effect it will have on property values and tourism. Do you see that?
A Yes.

Q Okay. And it also the staff itself of the North
Country Council was concerned about the cumulative impact of large projects such as this transmission line and wind farms and that impact on tourism and scenic resources, correct?

A Yes.

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

A Yes.

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

A Yes.

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

A Correct.

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

A Yes.

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

A Yes.
In this case, Franklin strongly supports the Project, correct?

Yes.

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

Yes.

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

Yes.

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

Yes.

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

Yes.

Would it be fair to say that in your various meetings with professional planners, you often heard either concerns that visual impact would
have on tourism or scenic things or concerns that the structure heights will have, you know, a visual impact on rural communities. That was a pretty common concern you heard over and over; is that right?

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

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

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

MR. PAPPAS: Sure.

MR. IACOPINO: Is it all of these sheets?

MR. PAPPAS: Correct. 471 is a collection of all of the Normandeau meeting summaries for Mr. Varney's meetings with professional
planners, whether it's a commission or local planner.

MR. IACOPINO: Thank you.

WITNESS VARNEY: During 2015.

MR. PAPPAS: Yes.

BY MR. PAPPAS:

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

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

A Yes. Land use patterns. Yes.

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

A Typically, yes.

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

A Correct. There's no change in land use.
Q Okay. And so that's, essentially, the nub of your view about local land use is because it won't change the existing use, it won't have an adverse impact on local land use, correct?

A That's correct.

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

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

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

A Correct.

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

A No.

Q So it's in your view, as long as it's within the
right-of-way and it's a transmission line, doesn't matter how intense the use of the transmission line within a route right-of-way, it's not going to adversely affect local land use?

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

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

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

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

A I think you're going to an area that I, of
visual impact that was covered by another
expert. I don't have a bright line for the
height of structures, if that's what you're
getting at.

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

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

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

A No.

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

A I took into account what was proposed by the
Applicant.

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

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

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

A No.

Q No, that's --

A No.

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

A Right. Sorry.

Q I understand.

A Want to rephrase the question?

Q I'll rephrase it.
So would you agree with me that the size of the Northern Pass Project, the height of the towers, the size of the structures, the size of the footings and so forth is not so great that it would adversely affect the local land use?

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

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

A Correct.

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

A Burial?

Q Correct.

A Did I consider it? Yes, absolutely.

Q So what did you consider in terms of having a 345,000-volt transmission line buried in front of properties, what did you consider to determine that that would not interfere with the
development of any of those properties which it passes in front of?

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

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

A No.

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

A Its location. Yes.

Q Did you consider whether or not having that transmission line buried in front of property would impact the development of that property it
A It would temporarily impact that property owner as it went by. Yes.

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

A Yes.

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

A Yes.

Q What did you do to consider that?

A I reviewed the proposal as submitted. I looked at the land uses that were along the right-of-way and considered the fact that it was going to be carefully supervised and carried out in a manner that meets the requirements of New Hampshire DOT; and based on my experience with other underground projects, water and sewer lines to New Hampshire DES was very involved with, many communities as well, gas lines and other projects that are burial projects, I didn't see any reason why this couldn't be
carried out in a way that minimized impacts on nearby property owners with a good public outreach effort.

Q But that all relates to the construction of the line, correct?
A Yes.

Q You didn't consider whether or not having the line in existence for the next 20, 30, 40, 50, 75 years, whether the existence of that line would hinder the development of property that's adjacent to it?
A Yes, I did consider that and didn't see any bases for thinking that it was going to somehow prevent reasonable use of that property.

Q And did you study whether or not it would impact bringing any utilities to the adjacent property?
A I assumed that that was something that could be engineered and carried out.

Q You didn't specifically --
A I didn't conduct my own individual study, but I do know that with any project of this nature that looking at utilities is an important part of the process.

Q Did you consider the existence of splice vaults
every 2000 feet along the buried line?

A  I heard the presentations on that.

Q  When did you hear those presentations?

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

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

A  I can't remember the dimensions right now.

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

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

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

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

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

A  No special studies. Just consideration of the
construction techniques that were given by the
Applicant.
Q And what techniques did you consider?
A The undergrounding process which is also in some other materials that they've developed.
Q Okay. And about the splice vaults specifically, any specific techniques that you considered?
A No. I'm talking about the construction process in general.
Q Okay. Mr. Varney, would you agree with me that for certain types of land uses the visual impact of a transmission line could be an issue to the specific uses?
A To? Could you repeat that?
Q Let me be a little more specific.

Would you agree with me that for some tourist destinations or some recreation areas the visual impact of a transmission line could be adverse to them?
A I don't have an opinion on specific sites. I know, I've read Mitch Nichols' testimony and his conclusions, but I'm not aware of any factual information about cause and effect under that scenario.
Q Did Mr. Nichols study any specific tourist sites?
A Not that I'm aware of.

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

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

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

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

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

A No. I heard concerns that that -- by locals that there could be a particular concern which I'm sure they've raised during the proceeding.
Q  Would I be correct in saying that you don't have an opinion as to whether any specific recreation area along the proposed site would be adversely affected from visual view of the Project, correct?

A  Correct.

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

A  Yes.

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

A  Yes.

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

A  Yes, not very many but some do.

Q  And would you agree in saying that you didn't analyze any specific scenic area that was identified in any of the master plans to determine whether the Northern Pass Project would adversely affect that scenic resource, correct?
No. I knew that an expert would be looking at those issues.

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

Yes.

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

Yes. Working forest.

And your prior rationale that siting a transmission line in an existing right-of-way doesn’t impact local land use doesn’t apply to a new right-of-way because it’s a new right-of-way, correct?

It can still be orderly development, but it’s a different --

Different rationale?

Different rationale.

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

Actually, no. A working forest is just that,
and it can exist with that operation going on and should not have any adverse effects on the continued use of that land as a working forest.

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

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

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

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

A Correct.

Q Now, you didn't look to see whether or not the right-of-way through the forest would impact any
of the recreation uses along the forest, did you? You didn't study that?

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

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

A I didn't study that specifically.

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

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

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

A Yes.

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

A I was aware of uses that were along the route,
and to the extent that there was anything relatively close to the right-of-way, I would have looked at it, but if it was a considerable distance away, then I didn't have any reason to dig into it any deeper.

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

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

A I looked at the Project as a whole.

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

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

Q My question is a little different though.
My question is whether or not you looked at each of the 31 towns and made a determination whether construction of the Project during construction would adversely impact any of the 31 towns.

A I considered it, yes.

Q But did you do a study of it?

A I didn't do separate study of it.

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

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

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

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

Q Do you know how many structures there are total?

A I didn't memorize it, Tom.

Q Do you know, for instance, the size of the
footings for a lattice tower?

A   Yes. It's in my report.

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

A   Again, I didn't --

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

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

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

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

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

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

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

A   Again, I didn't memorize the number.

Q   Did you study the location of access points?

A   To the extent that they were known, and, of course, many of them were from existing crossings or existing access ways that have been
used where there's an existing corridor.

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

A Okay.

Q Did you study --

A No separate study.

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

A No.

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

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

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

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

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

A Yes.

Q And what did you study?

A Again, I looked at the available information
about the construction process, the types of 
vehicles and the movement of materials and 
equipment.

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

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

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

A No.

Q You didn't study that, correct?

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

Q Basis for needing to do so. Well, do you know 
what the traffic delays will be for any
particular business along the overhead section?

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

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

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

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

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

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

A  I didn't prepare a traffic control plan for the Project, but I have an understanding of
construction activity associated with utility Projects.

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

A That was --

Q Not something you studied?

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

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

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

Q And that's the basis of your view that the construction of the overhead section will not
adversely impact any land use during construction, correct?

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

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

A Okay.

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

A Yes.

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

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

A I can't recall.

Q Do you know the number of HDD drillings that
will occur?

A I didn't memorize it.

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

A Didn't memorize it.

Q Do you know where any microtunneling will occur?

A No.

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

A No.

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

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

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

A Mostly, although I attended some meetings in which there was some discussion of it so -- but
I would say mostly. Yes.

Q But those meetings -- I'll leave it at that. Do you know, for instance, where lane closures are going to occur along the underground route?

A It's not certain yet.

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

A It's not certain yet.

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

A It will need to meet the standards.

Q Do you know how long that will be?

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

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

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

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

A For?
Q The road?
A While you're sitting there?
Q While you're sitting there.
A It will be construction, there will be traffic going in one direction and then the other.
Q Are you aware of whether the traffic is going to be stopped completely in both directions?
A That could occasionally occur as it could with any road construction project.
Q Do you have any sense of how often that could occur over the underground route?
A I don't know how often that will be necessary.
Q Are you aware of the detours that have been planned?
A I know that they've been considering detours, but I don't believe that -- I don't know.
Q Okay. Okay. And fair enough. Let me ask it in this way.

The underground starts, do you know where the 52-mile underground starts up north?
A Yes.
Q Where is that?
A Bethlehem.
Q Okay. And that's along Route 302, the business
part of Bethlehem, correct?
A Correct.
Q Do you know, if you looked at how the construction of the underground in Bethlehem will affect the businesses in Bethlehem and along Route 30?
A There will likely be a temporary impact.
Q Have you studied that?
A No. I've driven the route, but I have not studied it.
Q Okay. Now, are you familiar with the intersection of Route 18 and Route 116 in Franconia?
A Yes.
Q And that is the, if you will, the business heart or section of Franconia, correct?
A Yes.
Q Are you familiar with the underground construction activity at that location or that intersection?
A Generally.
Q What do you generally understand?
A That the construction will be underground in that area.
Q: Do you know the method in that area?
A: I'm not on the Construction Panel. I can't remember the details.

Q: Fair enough. Do you know what the traffic situation, in other words, do you know whether lanes will be closed in the intersection?
A: No.

Q: Have you considered or looked at the impact of the businesses in Franconia from the construction activity at that intersection?
A: I didn't analyze that intersection specifically.

Q: Now, the underground section continues down and goes through Route 3 in Woodstock, correct?
A: Continues through Easton and then down to Woodstock.

Q: Right. And it goes through a business section of Woodstock, correct?
A: Eventually, yes.

Q: And have you looked at what the impact on those businesses will be from the construction activity in Woodstock?
A: No individual studies.

Q: The underground continues on all the way down Route 3 going down the Main Street in Plymouth
until it exits Plymouth and heads to a
Transition Station, correct?

A Correct.

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

A No.

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

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

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

A No. I don't know for certain.

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

A No.

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

A Can you ask it again, the question?
Q  Sure. Would I be correct in saying that you do not have an expert opinion on how construction of the underground portion will affect the businesses in Bethlehem, Franconia, Woodstock, and Plymouth?

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

Q  That's your expert opinion?

A  That's my opinion based on experience.

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

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

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

A  Yes. There are many DOT Projects that are longer than that throughout the state.
Q Do you consider six months to be short-term?
A Again, it's a temporary impact so yes, I do.
Q Do you consider two years to be short-term?
A Yes.
Q Do you consider three years to be short-term?
A In the overall scale of the life of the facility, yes.
Q And when you say life of the facility, you mean the Northern Pass Project?
A Yes.
Q You don't render any expert opinion on what the impact would be from construction over two or three years; is that right?
A Again, there will be some temporary disruption, but I didn't conduct a separate study to evaluate or to speculate what those business impacts could be. I think it would be very difficult to do that.
Q For the areas of the underground construction, did you study or analyze whether the underground construction will impact the existing town infrastructure in those locations?
A No, but I'm mindful of the fact that there are many utilities in our roadways and that that's
part of the process to ensure that they know where those utilities are located, that DigSafe and other standards are met, and that the Project be carried out in a safe way.

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

A Correct.

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

A Yes.

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

A Yes. And probably multiple times over the years.

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

A Yes.

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

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

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

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

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

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

A No. It was a Construction Panel issue.

PRESIDING OFFICER HONIGBERG: Off the record.

(Discussion off the record)

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

A Um-hum.
Q Now, as I understand it, you base your opinion on a review of townwide or region-wide analysis, correct?

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

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

A Correct.

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

A Yes.

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

A Yes.

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

A Yes.
Q And it also involves consideration of the views of municipal planning commissions, correct?
A Yes.
Q And when you met with local and regional planners, you heard concerns they raised, but you didn't, by the time you rendered your expert opinion in this case, you hadn't heard any of their views because they hadn't expressed them yet, correct?
A I met with the regional planning commissions in the towns prior to the submission of my Prefiled Testimony.
Q By the time you filed your Prefiled Testimony, you hadn't received the views of any professional planners, whether local or regional, as to the Northern Pass Project, correct?
A As I explained earlier, they hadn't received an Application and had nothing to review but were very kind in helping me understand issues of concern that had been expressed by those communities regarding the Project, and, fortunately, they were issues that were going to be addressed by the SEC.
Q Put another way, you really couldn't consider the planners' views because they didn't have any views for you to consider, correct?

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

Q Let me put a little finer point on it. They expressed concerns, but no planner expressed to you their view on whether or not the Project would unduly interfere with orderly development of the region, correct?

A Correct.

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

A Correct.

Q Last line of questioning. In your Supplemental Testimony that you filed in April of 2017, you addressed the land use patterns in three municipalities along the Phase II line, correct?

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

A Yes.

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

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

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

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

A Down to Hudson, yes.

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

A Yes, as examples.

Q Now, the Phase II line, and if you look on the left it has all of the other towns it runs through, and it shows mileage, and would you agree with me that most of the Phase II line is...
located north of Concord, correct?
A I haven't measured it.
Q Well, take a quick eyeball.
A It's probably correct.
Q It's not hard to see from this graph.
A Well, it is kind of hard for me to see here. I'm sorry.
Q Blow up the map. Did that help a little bit?
A Much better. Thank you.
Q You're welcome. You'd agree with that most of the Phase II line is north of Concord, correct?
A Yes.
Q And would you also agree with me that most of the towns north of Concord are small rural towns? The towns that the Phase II line goes through?
A Yes.
Q Okay. And the land use and development in these small rural towns is different than the development patterns in Concord, Bedford and Londonderry, the three towns you looked at, correct?
A Yes.
Q And would you agree with me that most of the
development in land use in these rural towns north of Concord is similar to the development and land use in many of the towns north of Concord that the Northern Pass Project passes through, correct?

A No.

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

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

Q The Phase II route?

A Yes.

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

A That's correct.

Q Okay. I'm going to -- others will ask you more
specifically about the three towns, so I'll let
them inquire about that.

A Great.

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

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

(Discussion off the record)

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

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

MR. REIMERS: I am.

PRESIDING OFFICER HONIGBERG: You may
proceed.

CROSS-EXAMINATION

BY MR. REIMERS:

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

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

A Yes.
Q: And starting in 2009, Normandeau began working on environmental matters for Northern Pass?

A: Either '09 or '10. Yes.

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

A: I can't recall.

Q: Can you ballpark it?

A: No.

Q: Would it have been more than a million?

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

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

A: Yes.

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

A: Yes.
Q What is your normal hourly rate?
A My rate?
Q Yes.
A I don't even know.
Q You were asked this same question when you were on the Environmental Panel, but you still don't know?
A Yeah. I can't recall. It changes yearly.
Q Has it changed since you testified on the Environmental Panel?
A I don't know.
Q Is your hourly rate more or less than Julia Frayer's?
A I don't know what Julia Frayer's rate is nor would I be very interested.
Q Could you guess whether your hourly rate is more or less than $600 an hour?
A It's less.
Q But you don't know how much less? Even a ballpark?
A I can't recall. And it's, it also relating to contracts and time frames so it's not as easy to know off the top of your head as you may think.
Q In general, the aboveground portion of an energy
project would have more of a potential to interfere with orderly development than the belowground portion of an energy project, wouldn't it?

A I don't know.

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

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

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

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

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

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

Q Right. My question to you had to do with orderly development.
A Well, yes. Orderly development as it relates to land use, if that's where you're interested. There's, in both instances you're having minimal impact on adjacent land uses.

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

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

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

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

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

A Yes.

Q And that was a completely underground project?

A Yes.

Q And the proposed project in the pipeline case included a new cleared right-of-way on the north
side of the Androscoggin River in the town of Shelburne, didn't it?

A  Yes.

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

A  Yes.

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

A  Yes.

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

A  Yes.

Q  And you and the SEC noted that, quote, "The town as well as the NCC also stressed that the importance of the scenic viewshed should not be
underrated and directly linked the viewshed to the economy of the area generated by tourism," correct?
A Yes.
Q And the NCC is the North Country Council?
A Yes.
Q You and the Committee concluded that, quote, "Based on the record before it, the Committee concludes that the proposed Hogan Road route through Shelburne is not consistent with the orderly development of the region," correct?
A Yes.
Q And you and the SEC adopted the North Country Council's analysis stating, quote, "Adopting the North Country Council's analysis on the Shelburne issue, the Committee finds that the visual impact of the pipeline on the northerly side of the river would have a serious permanent effect on the aesthetics of one of the most pristine panoramic views over Reflection Pond located in the North Country," correct?
A Yes.
Q And quote, "The Committee finds that the visual impact of the pipeline could have a large impact
on the tourist business," right?

A  Yes.

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

A  Yes.

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

A  Yes.

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

A  Yes.

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

A  Yes.

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

A  Yes.
Q And at the meeting with the Council, the staff expressed concerns about the Northern Pass, correct?

A Yes.

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

A Yes.

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

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

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

A Yes.

Q You also heard, which is in paragraph 3 of that
memo, "NCC staff is very concerned about the cumulative impact of large projects such as transmission lines and wind farms on tourism and scenic resources," correct?

A Yes.

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

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

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

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

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

A No.

Q And two years ago, were you aware of an Application or a particular wind farm that maybe
has not come to fruition?

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

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

A It would be undergrounded through that area.

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

A Considerable distance.

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

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

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

A I don't know.

Q At one point the Northern Pass right-of-way and
Granite Reliable are approximately .4 miles
apart, aren't they?

A    Yes.

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

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

Q    Has that changed?

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

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

In the Portland Natural Gas case, you and the Committee stated, "The Committee further finds that the location of the pipeline on the north side of the river conflicts with the master plan and the zoning ordinance of the town of Shelburne which would have attempted to preserve the rural nature and charm of the area and unduly interfere with the orderly development of the region by creating another utility corridor in the valley which would be open for further development in the future if it were to be approved in this proceeding,"
correct?
A Yes.
Q And that was SPNF 241. By adding the Northern
Pass to the area near Granite Reliable, the area
would be turned into a sort of utility corridor
with the Northern Pass and Granite Reliable
side-by-side, wouldn't it?
A I'm not sure.
Q It's possible?
A I didn't think of it as a corridor. It's in a
different location, obviously, than the wind
farm. So there may be portions of the Project
that are far away and there may be portions that
are a bit closer.
Q In your report you did not address the Council's
concerns about cumulative impact of having two
utility projects in close proximity, did you?
A I didn't specifically address cumulative
impacts, but I was aware of the existing energy
project that was on that property.
Q You testified earlier that you had reached a
preliminary opinion but not a final conclusion
at the time you were meeting with the Planning
Commissions; is that correct?
A: Yes.

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

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

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

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

Q: Right. And so if at that time you only had a preliminary opinion, and told the North Country Council that you would be filing information, there wasn't any chance that your ultimate conclusion would be that the Northern Pass would unduly interfere with the orderly development, was there?
As I indicated previously, I had not yet formed a final opinion on the matter, but I shared with them my preliminary assessment of the Project and felt that it would likely meet that requirement.

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

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

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

Yes. This memo was dated March 27th, and I believe the announcement was in the August time
frame perhaps.

Q  So?
A  Like July or August.

Q  So as you continued your analysis, the Project was changing materially, wasn't it?
A  There was a change announced that summer later, you know, several months later, about the revised route, and based on that, I, we then finished the Prefiled Testimony and associated report for the new route and as currently proposed.

Q  So are you saying that when you met with the North Country Council in March of 2015 it was possible that your preliminary opinion could have turned into an ultimate conclusion that the Northern Pass would unduly interfere with the Orderly Development?
A  I can't speculate.

Q  Had you written such a report that there would be an undue interference and had that been submitted with Eversource's Application, that would have been a rather unusual Application, wouldn't it?
A  Yes. But again, that's speculation. My
testimony was written on the basis of the Application that's currently before the SEC.

Q In your report on page 13, you begin a section titled North Country Council, correct?
A Yes.

Q And at the bottom of the page and going on to the next page, you state, quote, "The agency also noted that the issues of most concern were potential effects on landscape attractiveness, rural and community character, tourism industry and real estate values," correct?
A Can you go back to the prior page? This is in reference to the letter that they sent in April 2011. Yes.

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

Q And on page 14, you state, "The Project addresses these concerns by siting the line concurrent with existing lines as suggested by the North Country Council by utilizing existing corridors. In addition, 60 miles of the line will be located underground along existing road right-of-way." Is that correct?
A Yes.
Q Now, the entire Northern Pass right-of-way would not be along an existing corridor or an existing road, right?
A That's correct. Most of it will be within existing corridors, about 83 to 85 percent.
Q And there would be approximately 32 miles of new overhead right-of-way that doesn't fit into that 80 percent, correct?
A There are, yes, 40 miles overall, 24 miles within the Wagner Forest lands, and outside of the Wagner Forest lands I believe 8 miles underground and 8 miles overhead.
Q So that would leave, as I suggested, approximately 32 miles of new overhead right-of-way, correct?
A Yes.
Q And your statement that the North Country Council's concerns have been addressed by, quote, "utilizing existing corridors," end quote, and 60 miles of burial does not apply to that 32 miles of new overhead right-of-way, does it?
A No. But, again, this was mostly in reference to the fact that in relation also in keeping in
mind the meeting that we held that was prior to the undergrounding announcement and so the burial through the Notch, through the White Mountain National Forest, and also burial in Pittsburg did address some of their concerns which were focused concerns relating to visual potential visual impacts that they were worried about.

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

A That's correct.

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

A Perhaps.

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

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

Q Then why isn't that 32 miles up north buried?
A I'm speaking to the fact that the two areas that they specifically mentioned for burial was the crossing of Route 3 in Pittsburg and the area through the Notch or around the Notch.

Q And where in your report do you say that?

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

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

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

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

A The meeting notes or the --

Q You testified that the North Country Council was most concerned with two places. Burial under Route 3, under the Connecticut River at Route 3,
and through the Notch?

A Yes.

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

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

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

A Yes.

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

A Yes.

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

A Again, this was a meeting two years ago, but my
recollection is that they were concerned about going overhead across Route 3 and were concerned about going overhead through the Franconia Notch area.

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

A And the National Forest. Yes.

Q You don't mention in here -- well, strike that. We already talked about your report, how you don't mention burial under the Connecticut River, and neither do you mention burial under the Connecticut River being one of North Country Council's main concerns in this memo, do you?

A No.

Q You just say Pittsburg in general.

A Yes.

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

A No.

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

A I'm aware of a -- in Millsfield? No. Unless
you're referring to the crossing of the byway?

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

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

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

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

A Yes.

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

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

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

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

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

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

A  No.

Q  Are you familiar with those roads?

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

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

A  Yes. That's my understanding.

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

A  No. I looked at the land use information and Google Earth in looking at the land uses and structures that were along the route.
Q  When was the last time you were on Bear Rock Road?
A  I can't remember.
Q  When was the last time you were on Old County Road?
A  Can't remember.
Q  When was the last time you were on North Hill Road?
A  Can't remember.
Q  Do you know what town those roads are in?
A  They're, I'm trying to remember off the top of my head. I believe Clarksville/Stewartstown area.
Q  But you're certain you've been on them before?
A  I've been throughout that area during my days as a DES Commissioner and worked with those communities.
Q  Okay. But you don't know whether you've been on those roads in particular?
A  Not recently.
Q  Do you know if you've ever been on -- can you say with certainty that you have driven all three of those roads at one time in your life?
A  No.
<table>
<thead>
<tr>
<th>Q</th>
<th>In the Pipeline case, you and the SEC found that the cleared right-of-way for a buried project through Shelburne would unduly interfere with the aesthetics, orderly development, tourist business and the land use of the area, correct?</th>
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<tbody>
<tr>
<td>A</td>
<td>Yes.</td>
</tr>
<tr>
<td>Q</td>
<td>And in the Portland Natural Gas Pipeline case, your job as the SEC Chairman was a public servant; is that correct?</td>
</tr>
<tr>
<td>A</td>
<td>Yes.</td>
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<tr>
<td>Q</td>
<td>And with regard to the Northern Pass as a paid consultant, is it your opinion that a 192-mile above and belowground transmission line will not unduly interfere with the order development of the region in any of the communities that it goes through?</td>
</tr>
<tr>
<td>A</td>
<td>Yes. That's my opinion.</td>
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<tr>
<td>Q</td>
<td>Besides the Northern Pass, you've provided opinions for Eversource or PSNH in two other SEC dockets, correct?</td>
</tr>
<tr>
<td>A</td>
<td>Yes.</td>
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<tr>
<td>Q</td>
<td>In the Seacoast Reliability Project your opinion was that the Project would not unduly interfere with orderly development, correct?</td>
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A That's correct. That follows an existing right-of-way for the entire length of the Project. Slightly deviates based on work they're doing with UNH but essentially it's an existing corridor. And the same for the Merrimack Valley Reliability Project.

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

Would you please read what your answer was?

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

PRESIDING OFFICER HONIGBERG: Little too fast.

Q Mr. Varney --

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

Q Okay. Does your --

A Put my glasses on. Thank you.
Q  Does your screen have SPNF 245 up in the upper right-hand corner?
A  Yes.
Q  Do you see, is yours highlighted in any parts?
A  Yes.
Q  All right. The bottom --
A  Line 25 is the question.
Q  Correct. So please read beginning at line 27 what your opinion was in the Seacoast Reliability case with regard to orderly development.
A  "No. Based on a careful review of the Project, and the materials cited herein, I find that the construction and operation of the Project will have little impact on the local land use, tourism and recreation, and community facilities and services. The Project also will have economic benefits, create jobs during construction, and will provide additional state and local tax revenues. Therefore, the Project will not unduly interfere with the orderly development of the region."
Q  Okay. And you mentioned Merrimack Valley Reliability Project?
A Yes.
Q Your opinion there was also that the Project would not unduly interfere with Orderly Development?
A That's correct.
Q Looking at this, you don't need to read it, but given the similarity in wording, you would agree that your highlighted Seacoast Reliability conclusion was for the most part a cut and paste of this Merrimack conclusion with some rearrangement?
A Same author.
Q And did that author use cut and paste?
A The same author used the same language which addresses the SEC criteria for Orderly Development.
Q And in your work for Eversource on the three cases, Northern Pass, Seacoast Reliability and Merrimack Valley, you have not found an adjacent land use that is incompatible with an Eversource transmission line, have you?
A Well, was the question about my work at Normandeau or my work as a SEC Chairman?
Q In your work for Eversource, on the three SEC...
cases, Northern Pass, Seacoast Reliability and Merrimack Valley you have not found any adjacent land uses that are inconsistent with the proposed Eversource transmission line, correct?

A No.

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

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

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

A Yes.

Q And on page 6 in that section, you state, quote,
"The following sections provide a general description of the prevailing land uses within and adjacent to the Project corridor and evaluate the consistency of the proposed facility with such land uses," end quote. Correct?

A Yes.

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

A Um-hum.

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

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

A Yes.

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

A Yes.

Q Let's look at your map. It is called Existing Land Use along the Project Corridor,
Stewartstown, New Hampshire. Is that right?
A Um-hum.
Q And the blue line is, do you see the blue line?
A Yes.
Q The blue line is new underground right-of-way, correct?
A Yes.
Q And the yellow line is new aboveground right-of-way, correct?
A Yes.
Q Do you know where Coleman State Park is?
A Yes. It's near the overhead section.
Q Can you be more specific where it is on your map?
A It's hard to read because this is a mosaic which is a little bit more generalized as a map. Most professional planners prefer not having to rely on the mosaic for the land use, but this was the best that was available through the North Country Council.
Q So the rules of the SEC don't require you to use mosaic, do they?
A They don't require any specific use. That was the best available and considered the most
accurate existing land use map for the town. We tried to be consistent with the towns and the Regional Planning Commissions and use the same maps that the Regional Planning Commissions would be using for a community.

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

A It's hard for me to read.

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

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

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

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

A Perhaps.

Q Did you provide --

A It's a general depiction of land use along the corridor, and I think it shows that it's a very
heavily forested area.

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

Q And the new overhead right-of-way would run just south of the park, wouldn't it?
A Yes. Just below it, yes.

Q Are you aware that what I'm showing you is SPNF 226 is a map of the State Park showing the two noncontiguous sections?
A Yes.

Q And would the proposed Northern Pass run in between those sections?
A I believe so. Yes.

Q The new Northern Pass overhead would run just south of the park; is that correct?
A Yes.

Q Through several sheets, is that the park still to the north of the right-of-way?
A Yes.

Q And does that look like the two parts of the park with the overhead going in between?
A Yes.

Q So let's go back to your map. That's the last
Project map. Does that show the Northern Pass going just sort of the end of the park and then entering Dixville?

A Yes.

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

A I believe the text discusses it.

Q The text of what?

A I thought it was in the text for Stewartstown.

Q You mean the report part of your report?

A Yes. Yes.

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


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

A No. I think that it describes the --

Q Are you looking for the proximity?

A Yes.

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

A Yes. It refers to Old County Road, and then the fact that it goes along the southern border of
Coleman State Park, across snowmobile corridor 18-5, then across Heath Road and east across Diamond Pond Road and there are a few residences along the way.

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

A Yes.

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

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

Q Let's look at that recreation section.

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

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

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

Q On page 10?

A Yes.
Q So when you say it's discussed, you're referring to the sentences, several State of New Hampshire conservation lands --

A Yes.

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

A Yes.

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

A Perhaps.

Q So let's go back to your map. The green area, I'm going to make reference to the legend. The green area that surrounds Little Diamond Pond which is the smallest of those two ponds and which is within Coleman State Park, that green area is listed in the legend as being forest
land, isn't it?

A  On the mosaic, yes.

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

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

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

A  Yes.

Q  Okay. And Mr. Chair? One second?

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

A  Yes.

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

A  Yes.

Q  And do you see in the left of that it says
"undeveloped land"?

A Yes.

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

A Yes. I am.

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

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

Q Which you were not required to use, correct?

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

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

A No. We could have gone to the extent of producing our own maps for the area, but the Project maps and the information that's been provided by Eversource, there are all kinds of maps that are available, and there are maps on line on a town-by-town basis.
Q Assuming to your map's legend, the land that is
colored gray-ish north of Coleman State Park is
categorized as unknown, comma, vacant land,
 isn't it?
A Yes. That's again, it's produced the way that
the Revenue Administration map which we were
told was the best available, best available
existing map for land use.
Q And there is a light square above Big Diamond
Pond within the unknown vacant land that's
categorized as unknown residential, isn't it?
A Yes.
Q What is unknown, comma, residential as a land
use?
A There's apparently a lack of information about
it, and I can't recall the exact description of
what that category means.
Q Okay.
A Again, the town is heavily forested. That's the
prevailing land use in the area. The report
clearly indicates that the Project runs just
immediately south of the Coleman State Forest on
the south end of it, and the lengths are
described and the proximity of some of the
houses is described in the report.

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

A Yes. Absolutely.

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

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

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

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

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

A Yes, in which we, we have a general description
of land use types, and then on a town-by-town basis, we describe prevailing land uses along the route.

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

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

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

A  Yes.

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

A  Yes, but we, each section has a general description of the town and then moves into, provides a perspective on population, sometimes a little bit of history, and then provides a description of the Project corridor and then land uses along the corridor which is the description that we've provided.
Q  Is it your opinion that what you just stated complies with the rule?
A  Yes, and for those towns that have a Master Plan, this town does not, but for those towns that have a Master Plan, we also provide information that may have been contained within the Master Plan as well.
Q  Now, Site 301.09(a)(2) requires a description of how the proposed facility is consistent with such land uses and identification of how the proposed facility is inconsistent with such land uses, correct?
A  Yes.
Q  You don't identify any locations along the 192 miles that would be inconsistent with prevailing land uses, do you?
A  I didn't find any.
Q  You mention rural character a few times in your report, don't you?
A  Yes, primarily in description of Master Plans.
Q  So, for example, here in your report methodology, you mention rural character.
A  Yes. This is referring to plans that are developed in this case by a regional planning
Q And I want to go to the ELMO.

(Discussion off the record)

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

A Yes.

Q Please tell me your definition of rural character.

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

Q In your report you discuss the North Country Council's regional plan and state -- I forgot we're on ELMO. Can we switch back?
So in your report you discuss the North Country Council's regional plan and state, quote, "One of the most important regional assets noted in the regional plan is the rural landscape that contains working forests and farms, a patchwork of villages and community centers, and scenic and natural resources that support both wildlife and tourism," correct?

A Yes.

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

A Yes.

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

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

Q Was it your testimony that you did not consider scenic views or visual components in your analysis?
A There was another expert who reviewed visual impacts.

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

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

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

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

Q Right.

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

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

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

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

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

Q In your report you discuss several categories of land use including forests, agriculture, residential, commercial, industrial, transportation, and utilities, recreation, conservation lands, historical/archeological resources, wetland and water resources and wildlife habitat; is that correct?

A Yes. It's a summary for each.

Q And that's at page 4 of your report. In your analysis of Orderly Development, I want to talk about residential. You reviewed and considered the testimony and report of Mr. Chalmers, correct?

A Yes.

Q And a viewshed is relevant to residential use, isn't it?

A For him it is, but I relied on his report as it related to impact on real estate markets. That was his assessment, and I relied on his report for that issue.

Q His assessments of real estate markets you're saying that you didn't -- where do you state in your testimony the particular sections or
opinions of Mr. Chalmers that you did consider
and the ones that you didn't consider?

A  I read his entire report. I thought it was very
well done, very informative, and very
interesting. Especially having been on the SEC
previously, it was probably one of the best
reports that I've seen and was very thorough.
So I read his report with great interest.

Q  And where in your testimony do you state which
parts of Mr. Chalmers' report you are relying on
and which ones you are not?

A  I relied on his testimony which summarizes his
findings in the report.

Q  But you did not consider, Mr. Chalmers
identified the change in view as an impact on
several properties, didn't he?

A  Some properties. Yes.

Q  Is there a difference between several and some?

A  No. I can't remember the exact number of
properties, but it was, there were a limited
number of properties that were in close
proximity to the line.

Q  And it was the change in view that resulted?

A  Yes.
Q  But that wasn't part of his report that you
considered?

A  No. I did consider the findings in his report
which found that there were some areas where
there could be an impact, and it had, it was
associated with whether or not there was a clear
view of the power line already or not, whether
or not that view was going to change, whether it
was more visible after the Project is completed,
and then it also looked at the relation between
the right-of-way and the structure and the
distances where generally the potential effects
diminished as you moved away from the line and
that for the vast majority of properties it was
less than 100 feet to have any impact and then
of those, some had no view before and no view
after. Others had a change in which they
couldn't see it and now they could, but it was,
obviously, a limited number of properties, and
he's already testified on the details of that.

Q  You're very familiar with Mr. Chalmers's use and
consideration of views, it appears. Would you
agree with that?

A  Certainly not an expert on the topic as he is,
but I relied on his judgment and his assessment which I thought was very fair and accurate.

Q Throughout the town-by-town analysis in your report you mention nearby residences and the view they may or may not have of the Northern Pass. For example, with regard to a portion of Stewartstown you state, quote, "There are a few residences, many of which appear to have a moderate to dense tree cover buffer, between the houses and the right-of-way," correct?

A Yes.

Q So you are commenting on the view or lack of view that those residences would have of the Northern Pass, aren't you?

A It's referring to the tree cover that may provide a buffer between the homes and the right of way. It was not an assessment of each property and the view that they may have but rather identifying the fact that this area is heavily forested, and in areas where there appeared to be a tree cover that potentially could be a buffer between the right-of-way and the house, it was noted.

Q A buffer for visibility, correct?
A Well, for visibility, but also for other aspects of living in that house, and some cases it's a buffer for visibility, could be a buffer that's related to noise during construction or some other issue.

Q Okay. With regard to conservation land, viewshed may also be relevant to the conserved land use, conserved land land use, correct?

A Yes.

Q In your report you state, quote, "The Project will not interfere with or have an adverse impact on conservation lands and will not alter the ongoing long-term management, use or public access to these parcels," correct?

A Yes, following along from the prior paragraph that says that the Project crosses some local and private conservation lands, and, in many cases, the existing transportation utility corridors were established prior to the designation of these conservation parcels. So this indicates that the continued use of those lands as conservation lands will not be affected as a long-term issue.

Q I read the quote correctly, didn't I?
A I think so. Yes.
Q You reviewed some conservation easements along the route?
A Noted that, yeah, there were some conservation lands along the route and saw no reason why the Project would have a long-term adverse impact on those lands.
Q In your report you mention a few conserved parcels. So you looked, it appears from reading your report that you looked at or read some conservation easements related to along the route, right?
A No. I didn't read the easements, but using New Hampshire GRANIT and other sources tried to identify areas where there were conservation lands that existed, and I believe there was a report that identified some of those that was prepared by someone else.
Q Okay. You mentioned some conserved lands on which the purpose of the easement included ongoing agriculture and forestry, correct?
A Yes.
Q And you ascertained the purposes of those easements without looking at the easements?
A No. I don't think I was trying to make a judgment about easement language. Simply stating that, one, that those uses are likely to continue and will not be significantly affected by the Project, and also with the knowledge that there was a visual impact expert on board to look at that issue as well.

Q In addition to forestry and agriculture being common uses or purposes of conservation easements, are you aware that preserving the scenic view is another common purpose of some conservation easements?

A Yes. Some. Yes.

Q As an example, are you aware of the conservation easement granted to the New England Forestry Society by John and Nancy Conkling on 84 acres of land in New Hampton?

A I can't recall. I'm sure I saw it on a map, but I've never seen the text of the easement.

Q Are you generally familiar with conservation easements?

A Generally.

Q Are you aware that a conservation easement provides permanent protection?
A Yes, for that particular parcel of land. Yes.
Q Correct. So looking at this Conkling conservation easement, preserving the, quote, scenic and open space values of the property appears to be one of the primary purposes of the easement, isn't it?
A It's, yeah, one of many factors that are listed along with natural resources, productive soils, diverse wildlife, plant habitat, wetlands, and streams.
Q The Conkling homestead is adjacent to and partly within the right-of-way. Are you aware of that?
A Yes. I can't remember the details.
Q Can you see in the upper right where it says Conkling Conservation Easement? We're looking at Project map 134 which is Applicant's Exhibit 2.
A Yes, I see it now.
Q Where it says Conkling Conservation Easement?
A Yes, I see it.
Q Do you see signatory where there's one tower within the easement property?
A Yes.
Q So if the Northern Pass would be visible from
conserved land protected with a stated purpose of preserving the scenic view, the Northern Pass would interfere with that purpose, wouldn't it?

MR. NEEDLEMAN: Objection. That calls for a legal conclusion, and it also doesn't factor in when the easements were established.

PRESIDING OFFICER HONIGBERG: Mr. Reimers?

MR. REIMERS: If the easement was established prior to -- let's say the easement was established after the existing transmission structures were built. So transmission structures in place, then the easement was put on, and then the Northern Pass comes along, and when that easement was put in place with the existing structures, one of the purposes was to preserve the scenic view.

MR. NEEDLEMAN: Same objection.

PRESIDING OFFICER HONIGBERG: I don't understand what you just did.

MR. REIMERS: Part of the objection was Mr. Needleman said that my question didn't involve when the conservation easement was.

PRESIDING OFFICER HONIGBERG: And the other part was "calls for a legal conclusion." Did
you deal with -- I mean, I understand that you're trying to deal with the second one. Did you try and deal with the first?

MR. REIMERS: No. I'm still asking my question, but I'll deal with it --

PRESIDING OFFICER HONIGBERG: Can you start again then maybe with a new question fresh from beginning to end?

MR. REIMERS: Yes.

PRESIDING OFFICER HONIGBERG: To be clear, I mean, it may be the same question. I just want to make sure that we've got what you're doing to it to try to address the objection.

MR. REIMERS: Understood.

BY MR. REIMERS:

Q If the Northern Pass would be visible from conserved land protected with a stated purpose of preserving the scenic view, and the conservation easement was put in place with those existing structures, would you expect the Northern Pass to change the view from that property?

MR. NEEDLEMAN: Objection. Calls for a legal conclusion.
MR. REIMERS: I thought I avoided the legal --

PRESIDING OFFICER HONIGBERG: Hang on. I actually think that all of the prelanguage that had the legal stuff in it isn't part of the question. Ultimately, the question is: Assume a piece of property, would the towers change the view. Ultimately the question is, would it change the view, right?

MR. REIMERS: Nothing to do with the easement language. Yes. With the view change.

PRESIDING OFFICER HONIGBERG: From any --

MR. REIMERS: Would the Northern Pass change the scenic view on that property.

PRESIDING OFFICER HONIGBERG: Mr. Needleman?

MR. NEEDLEMAN: To the extent that's now the question, that's not this witness's area of expertise. We just had the Aesthetics Panel.

MR. REIMERS: May I answer?

PRESIDING OFFICER HONIGBERG: Yes.

MR. REIMERS: The reason I'm asking the witness this is that this witness evaluated land uses. One of the land use categories he
evaluates are conserved land. Within his report he talks about, I had quoted, well, he agreed with me that he talked about certain conserved lands that are used for agriculture and forestry. And I agree that those are two common purposes of conservation easements, and he agreed, and the witness agreed with me that preserving a scenic view is another common purpose of a conservation easement.

So if the witness in his report purports to talk about how the Northern Pass would or would not affect conserved lands, I think it's a fair question to ask this witness, did he consider the view and change in scenery?

PRESIDING OFFICER HONIGBERG: Okay. I don't recall the answers that you're referring to, but I accept what you just said. I think Mr. Reimers, you're probably right. You can ask a question about if it's been preserved for a view reason and it can see the towers, does that change the view?

MR. REIMERS: Um-hum. Correct.

PRESIDING OFFICER HONIGBERG: Go ahead.

BY MR. REIMERS:
A And if you can see the structures, and the structures are higher, it may change the view, but it may not be a significant adverse effect. It's a site-specific situation, and it's also, of course, within an existing right-of-way with continued utility use.

Q So we were talking about the importance of viewshed to various land uses that you discuss in your report. Regarding recreational land use, that was another one, category, of land use?

A Yes.

Q And a viewshed is relevant to certain recreational uses such as hiking, fishing and boating, isn't it?

A Yes.

Q And even if the recreational activity itself would not be prevented by the transmission towers and lines, views of the Project could diminish the recreational experience, couldn't it?

MR. NEEDLEMAN: Objection. We're into the same territory from the Aesthetics Panel. They just testified to all these issues.
PRESIDING OFFICER HONIGBERG: Mr. Reimers?

MR. REIMERS: The witness is talking about recreational land uses. Throughout his report he mentions various ponds, sometimes he mentions what they're used for. And so if he's talking about land uses and including recreational as one of the small number of categories, again, I think it's a fair question to ask him about the change over those users.

PRESIDING OFFICER HONIGBERG: Overruled.

He can answer.

BY MR. REIMERS:

A My assessment is that recreational uses will continue, existing recreational uses will continue after the Project is constructed, and I've seen numerous instances of Projects where there's a wide range of recreational uses that are within and around the rights-of-way.

Q And my question was, assuming that the recreational activity itself would not be prevented, the towers and lines or the views of the Project could diminish the recreational experience for uses, couldn't it?

A I didn't conduct the Visual Impact Assessment of
any of these sites so I think it's pure
speculation, and I didn't address that in my
report.
Q Would a view of the Northern Pass enhance the
experience for a hiker, fisherperson or boater?
A Would a view of the lines?
Q Right.
A Probably not.
Q So I have some questions that are intended to
understand the basis for your conclusions.
   Attorney Pappas asked you some so I'll try
to cut out some. Your opinion with regard to
the existing rights-of-way is partly based on
the assessment that from a historical context
these rights-of-way may have predated some
current adjacent land uses and that these uses
have since coexisted with the utility
right-of-way; is that correct?
A That's part of it.
Q Right. And in the existing right-of-way, the
towers, the existing towers are generally below
tree line, aren't they?
A In areas where there are forests near it. Yes.
Q For example, this is Inspiration Point in
Bristol. I'm showing you Mr. DeWan's, I think it's Appendix 17, page APP 14564. Do you see that?

A Yes.

Q And this is Mr. DeWan's photo simulation from Inspiration Point. Do you see that?

A Yes.

Q So in this area, at least, the Northern Pass towers would for the most part if not completely be above the tree line, wouldn't they?

A Perhaps. I don't know the age of the trees or whether or not that area is, whether that's been recently cut over or not. It's hard to speculate.

Q So this photo simulation might show towers that are below the tree line?

A I don't know. I would just say that based on my own experience in environmental permitting that I've frequently been surprised to look at some Projects after the fact and see how what at one point seemed like something highly visible that later on as the trees matured and trees, in this case would be trees in front of the towers, that it may or may not be as visible in the future,
but I'm not an expert on Visual Impact Assessment.

Q Attorney Pappas asked you about the intensity of use; do you remember that?

A Yes.

Q And you said that with regard to height, you have no, quote, "bright line," end quote, test, correct?

A Yes.

Q Do you have a line? I mean, is there a line at which the height of a tower would be too much?

A I can't speculate.

Q So I want to talk about your reasoning with regard to the new right-of-way. On page 1 of your report you state, quote, "The right-of-way between Pittsburg and Dummer is approximately 40 miles in length. Approximately 32 miles of this section of the right-of-way will be a new corridor between Pittsburg and Dummer and traverses sparsely populated land, primarily forested and managed for timber and recreational uses, which will continue largely interrupted," is that correct?

A Yes.
Q  Is your opinion that the Northern Pass compatibly fits into an area that is sparsely populated?
A  That it fits into the area in which it's been proposed, and this was an attempt to provide the reader with a sense of that area which is a working forest, sparsely populated, and in many cases, relatively remote.

Q  It's your opinion that the Northern Pass compatibly fits into an area that is managed for timber and recreation?
A  Yes, and that was also reinforced by someone from Wagner Forest Woodlands who spoke at one of the public meetings in support of the Project and who indicated that they were very comfortable with the proposed location and felt that their forest activities could continue uninterrupted by the Project.

Q  Where in your report do you analyze why any particular areas managed for recreational use will not be unduly interfered with?
A  Could you rephrase that?
Q  In your report, do you analyze why any particular areas that are managed for
recreational use, why those will not be unduly
interfered with by the Northern Pass?

A Because traditional activities like hunting and
fishing can continue. The use of trails in that
area by snowmobilers and others should be able
to continue. And there's, I don't see any
reason why continued recreational uses of the
land which is private property would not be, and
speaking of the Wagner lands, would not be
interrupted.

Q Regarding the 32 miles of new overhead
right-of-way, 24 miles of that would be through
the Wagner Forest, right?

A Yes.

Q And putting aside the 24 miles, 8 miles of the
32 miles of new overhead right-of-way includes
about 2.1 miles in Pittsburg, correct?

A Yes.

Q And about 2.2 miles in Clarksville?

A Yes.

Q And about 3.5 miles in Stewartstown right up to
the Dixville line?

A Yes.

Q And if the Northern Pass Project would unduly
interfere with the orderly development of the region in one municipality, the Subcommittee should deny this Project, shouldn't it?

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

PRESIDING OFFICER HONIGBERG: Mr. Reimers?

MR. REIMERS: He made that those legal conclusions in the Portland Natural Gas case.

MR. NEEDLEMAN: It's completely different.

PRESIDING OFFICER HONIGBERG: He's not here as the Chair of the SEC.

PRESIDING OFFICER HONIGBERG: Off the record.

(Discussion off the record)

PRESIDING OFFICER HONIGBERG: Mr. Reimers has a short, what he promises is a short section of questioning on confidential information that is, it's not historic or archeological. It's subject to the confidentiality agreements, I think, that are in place. Mr. Needleman?

MR. NEEDLEMAN: I think that's my understanding. We're going to ask Mr. Getz to come in and just make sure we have the right people in the room before we start.
PRESIDING OFFICER HONIGBERG: We'll give people a chance to sort themselves out, and go off the record to do that, and then when we come back on, we'll let Mr. Reimers do that questioning.

(Discussion off the record)

(Pages 148 through 152 of the transcript are contained under separate cover designated as "Confidential and Proprietary.")
CERTIFICATE

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