

1 STATE OF NEW HAMPSHIRE
2 SITE EVALUATION COMMITTEE

3
4 September 19, 2017 - 9:15 a.m. DAY 36
5 49 Donovan Street MORNING Session ONLY
6 Concord, NH NO AFTERNOON SESSION

7 {Electronically filed with SEC on 09-28-17}

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

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

19 Cmsr. Kathryn M. Bailey Public Utilities Comm.
20 Dir. Craig Wright, Designee Dept. of Environ. Serv.
21 Christopher Way, Designee Dept. of Resources &
22 Economic Development
23 William Oldenburg, Designee Dept. of Transportation
24 Patricia Weathersby Public Member
Rachel (Whitaker) Dandeneau Alternate Public Member

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

{SEC 2015-06}[Day 36 MORNING Session ONLY]{09-19-17}

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I N D E X

WITNESS: ROBERT VARNEY

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P R O C E E D I N G S

CHAIRMAN HONIGBERG: Good morning everyone. We're ready to resume the questioning of Mr. Varney. Mr. Reimers, you have the microphone.

CROSS-EXAMINATION (cont'd)

BY MR. REIMERS:

Q. Morning, Mr. Varney.

A. Good morning.

Q. You are testifying as an expert on orderly development, aren't you?

A. Yes.

Q. And you've offered an expert opinion on orderly development?

CHAIRMAN HONIGBERG: Microphone.

A. Yes.

BY MR. REIMERS:

Q. Have you formed an opinion about whether the undue interference with the orderly development in one town would result in undue interference with orderly development of the region?

MR. NEEDLEMAN: Objection. I think this calls for a legal conclusion, and we

1 addressed this yesterday.

2 MR. REIMERS: Yesterday I asked
3 him whether -- a similar question, but today
4 I'm simply asking him whether he's formed an
5 opinion.

6 CHAIRMAN HONIGBERG: You can
7 answer.

8 A. I formed an opinion about the Project as a
9 whole, and my opinion was that it represented
10 orderly development of the region.

11 BY MR. REIMERS:

12 Q. You didn't form an opinion with regard to any
13 particular community?

14 A. No. The SEC decision relates to the entire
15 project.

16 Q. If, for the sake of argument, the impacts are
17 minimized in the areas of existing
18 rights-of-way such as Franklin, you would
19 agree that a minimized impact in Franklin has
20 no relation with whether the Project would
21 unduly interfere with the region in
22 Pittsburg, Clarksville or Stewartstown,
23 wouldn't you?

24 A. My opinion was based on the Project as a whole.

1 Q. So your opinion is that, if impacts are
2 minimized on one part of the Project, that
3 that does have a relation to the impacts in
4 another part of the Project?

5 A. I didn't compare from one place to another. I
6 looked at the Project as a whole. And based on
7 the facts that are described in the
8 Application, it was very clear to me that the
9 Project would not have an adverse effect on the
10 orderly development of the region.

11 Q. When you say you looked at the Project "as a
12 whole," what do you mean?

13 A. I looked at the entire project, from Pittsburg
14 to Deerfield.

15 Q. But you considered the impacts along the way,
16 or potential impacts, didn't you?

17 A. I reviewed land uses along the way to see if,
18 as it relates to land use, which is the topic,
19 one of the topics for today, that it would not
20 adversely affect the continued uses along that
21 right-of-way.

22 Q. If you had a place where there would be a
23 significant impact, is it your opinion that
24 that impact would be diluted if you just --

1 given the length of the Project?

2 A. I can't speculate on that.

3 Q. But you've rendered a report on orderly
4 development and you're expert on orderly
5 development.

6 A. Yes. And I described the route, and I've
7 described the prevailing land uses along the
8 route and have the opinion that the Project
9 will not adversely impact or interfere with
10 existing land uses along the Project corridor.

11 Q. Unduly interfere? That's the standard;
12 right?

13 A. Right.

14 Q. Okay. I'm going to look at some of the
15 municipalities you describe along the route.
16 I'm not going to go through them all. Let's
17 start with Pittsburg.

18 You state that the overhead portion in
19 Pittsburg consists of 44.5 acres; correct?

20 A. Yes.

21 Q. And the underground portion consists of 3.1
22 acres?

23 A. Approximately.

24 Q. You then state, "In Pittsburg, approximately

1 25 percent of the route is underground";
2 correct?

3 A. Yes.

4 Q. And this is the map from your report. And
5 the yellow is overhead; correct?

6 (Witness reviews document.)

7 A. Yes.

8 Q. And there's a portion of underground on the
9 right side just before the right-of-way would
10 cross or go under the Connecticut River; is
11 that correct?

12 A. Yes.

13 Q. And looking at this map of the overhead and
14 underground portions, your statement that
15 25 percent of the right-of-way in Pittsburg
16 is underground is not accurate, is it?

17 A. I would need to look at the text in combination
18 with the map.

19 (Witness reviews document.)

20 A. In the text, it says that the overhead
21 transmission line extends 2.1 miles and the
22 underground measures approximately 0.7 miles
23 within the town.

24 Q. So is your statement that 25 percent of the

1 right-of-way in Pittsburgh would be
2 underground accurate?

3 A. If the mileage is 2.8 miles [sic], and 0.7 is
4 underground, then that would be, I believe,
5 25 percent.

6 Q. Does your map show that? Does your map show
7 that .7 miles in Pittsburgh is underground?

8 A. Hard to read here, but my text is very clear in
9 terms of the distances and what the percentage
10 is. And so the text is very clear.

11 MR. REIMERS: So, Mr. Chairman,
12 so as not to belabor this, could I ask the
13 witness to verify those numbers during a break,
14 or should I keep asking him questions now?

15 CHAIRMAN HONIGBERG: Mr.
16 Needleman.

17 MR. NEEDLEMAN: We're happy to
18 do that.

19 MR. REIMERS: Thanks.

20 BY MR. REIMERS:

21 Q. The proposed route enters the United States
22 in Pittsburgh by crossing Halls Stream; right?

23 A. Yes.

24 Q. And in this area, oxbows of Hall Stream form

1 the international border, don't they?

2 A. Yes.

3 Q. With regard to this area, on Page A-2 of your
4 report you state, quote, "Commercial and
5 industrial facilities, including the Ethan
6 Allen Furniture Factory, are located about
7 .3 miles southwest in neighboring
8 Stewartstown, New Hampshire"; is that
9 correct?

10 A. Yes.

11 Q. The Ethan Allen factory is actually in
12 Canaan, Vermont, isn't it?

13 A. Yes.

14 Q. So it's not in Stewartstown?

15 A. It's referring to a facility that is 0.3 miles
16 southwest.

17 Q. What is referring -- your report is referring
18 to --

19 A. Referring to a facility that's about 0.3 miles
20 southwest of the Project corridor.

21 Q. Right. That is in Canaan, Vermont.

22 A. It's not important whether it's in Stewartstown
23 or Canaan. It's to the south of the Project.

24 Q. Right. Wouldn't it be the Committee's

1 determination whether that's important?

2 A. Perhaps, yes.

3 Q. Okay.

4 A. I'm providing my opinion.

5 Q. You would agree that this statement is
6 inaccurate, isn't it?

7 A. Perhaps. I'd need to check it.

8 Q. We're looking at SPNF 247 which shows a web
9 site showing the Ethan Allen Furniture
10 Factory, the Beecher Falls Division. Is
11 Beecher Falls part of Canaan?

12 A. Yes -- oh, no. Yes, it is. Yes.

13 Q. Okay. And --

14 A. I thought you were going to Stewartstown.

15 Q. And that shows the address. Do you have any
16 reason to doubt this?

17 A. No. I would just say that there are sometimes
18 more than one facility.

19 Q. You're not aware of one in the town of
20 Stewartstown, are you?

21 A. I already explained that I would need to check.
22 And the point is that it was providing some
23 context for the location, some general context.
24 It's not critical to me as to whether or not

1 that fact is exactly correct.

2 Q. You also state in that paragraph that Marcel
3 Lauzon, Incorporated, a large-scale log yard
4 and timber processing facility, is located
5 .6 miles northwest of the Project's
6 international crossing; correct?

7 A. Yes.

8 Q. And Marcel Lauzon, that's in Quebec, isn't
9 it?

10 A. I believe so.

11 Q. You would agree that the neighborhood where
12 the right-of-way crosses Halls Stream Road is
13 not an industrial neighborhood, wouldn't you?

14 A. I don't believe it says that.

15 Q. I'm asking you whether you would agree, in
16 your opinion, that the Halls Stream
17 neighborhood is an industrial neighborhood.

18 A. No, it's not.

19 Q. I'm showing you Mr. DeWan's photos from
20 Applicant's Exhibit 2, Pages 28200 to 201.
21 And there are several homes along this part
22 of Halls Stream, aren't there?

23 A. Yes.

24 Q. And Project Map 1 shows these homes, doesn't

1 it, along Halls Stream Road?

2 A. Yes.

3 Q. And the homes are the yellow dots, aren't
4 they?

5 A. Yes.

6 Q. And according to Mr. DeWan's map of existing
7 conditions, there are currently no
8 transmission line structures visible from
9 residential uses in this neighborhood, are
10 there?

11 A. I don't recall.

12 Q. Do you see any purple coloring in that box?

13 A. No.

14 Q. Okay. Now, if the Northern Pass is built, up
15 to 10 towers would be visible from locations
16 along Halls Stream Road; correct?

17 A. I didn't conduct the Visual Impact Assessment
18 for the Project.

19 Q. Understood. I'm asking you to look at other
20 Applicant materials. And my question to you
21 is: If the Northern Pass is built,
22 transmission line structures would be visible
23 along that area of Halls Stream Road from
24 residential uses; is that correct?

1 A. Perhaps some at the crossing, in the vicinity
2 of the crossing.

3 Q. The north -- I want to ask you some questions
4 about Clarksville now.

5 The Northern Pass would enter
6 Clarksville by going under the Connecticut
7 River and transitioning above ground soon
8 after the Forest Society's Washburn Family
9 Forest; correct?

10 A. Yes.

11 Q. And in your report, you state, "The line
12 would then run above ground to the east
13 through a heavily forested area parallel to
14 the south of the Forest Society's Washburn
15 Family Forest for approximately 1.5 miles";
16 correct?

17 A. Yes.

18 Q. Let's look at those maps. Do you see on the
19 right where the above-ground starts after the
20 Washburn -- well, after the crossing, under
21 the word "Clarksville"?

22 A. Do I see the words?

23 Q. Do you see the word "Clarksville" on the
24 right?

1 A. Yes, yes.

2 Q. Underneath that, do you see where the
3 overhead line emerges from the underground?

4 A. Yes.

5 Q. Okay. And then it travels to the right.

6 And this is the next project map. Do
7 you see where the line continues just south
8 of the Washburn Family Forest?

9 A. Yes.

10 Q. You don't mention in your report how the
11 Washburn Family Forest is used, do you?

12 A. No.

13 Q. Are you aware that the Washburn Family Forest
14 is open to the public and used for fishing,
15 hunting, snowmobiling, hiking and mountain
16 biking?

17 A. Generally, yes.

18 Q. There are currently no transmission lines in
19 that right-of-way along the Washburn Family
20 Forest; right? This is a new right-of-way
21 proposed?

22 A. Correct.

23 Q. And if the Northern Pass is built, it would
24 be visible from portions of the Washburn

1 Family Forest, wouldn't it?

2 A. I didn't conduct the visual assessment.

3 Q. Looking at Mr. DeWan's map here in the yellow
4 box, do you see the purple coloring?

5 A. Yes.

6 Q. Does the purple coloring indicate the
7 visibility of transmission structures?

8 A. Yes.

9 Q. So, looking at this map, would you agree that
10 transmission line structures would be visible
11 from parts of the Washburn Family Forest?

12 A. Potentially, and I don't know to what degree.

13 Q. So when you say "potentially," are you saying
14 Mr. DeWan could be wrong?

15 A. No. I'm saying that I don't have an expert
16 opinion on his map.

17 Q. A transmission line running 100 to 300 feet
18 along much of the length of the Washburn
19 Family Forest would result in this area being
20 less rural and less forested, wouldn't it?

21 A. I don't know. I didn't conduct the Visual
22 Impact Assessment.

23 Q. You would agree that clearing a new
24 right-of-way would result in less forest

1 land, wouldn't you?

2 A. Yes, small decrease in a heavily forested area.

3 Q. And transmission towers would not enhance the
4 rural nature of the area, would it?

5 A. No.

6 Q. So the Northern Pass would result in the area
7 becoming less rural and less forested,
8 wouldn't it?

9 A. Well, no. I would offer that there are many
10 transmission lines across the state of New
11 Hampshire in areas that we today would call
12 rural. There are about 1600 miles of
13 transmission lines in the state, and many of
14 those are in rural places and places that today
15 we would characterize as "rural."

16 Q. My question wasn't whether the transmission
17 line would make this area not rural. I'm
18 just asking if the transmission line would
19 make it less rural than it currently is.

20 A. It wouldn't change the population in the area.
21 It would -- I really don't have a strong
22 opinion on that. Transmission lines and power
23 lines run on many of our roads in rural areas.
24 They're still considered rural. And I wouldn't

1 call driving through a rural town that has
2 transmission structures and conductors to be
3 less rural because of that.

4 Q. In your report, you state that the proposed
5 towers in Clarksville would range from 65 to
6 105 feet in height; correct?

7 A. I believe that was from the description in the
8 Northern Pass web site.

9 Q. So you took that from the Northern Pass web
10 site?

11 A. I assume so. Probably.

12 Q. Was the Northern Pass web site your primary
13 source of information --

14 A. No.

15 Q. -- for your report? Are you aware --

16 A. Multiple sources of information.

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

18 A. I said we used multiple sources of information.

19 Q. Are you aware that only one tower would be
20 65 feet in height?

21 A. No, but it wouldn't surprise me.

22 Q. Are you aware that 17 of the 23 proposed
23 towers in Clarksville would be 80 feet tall
24 or taller?

1 A. No. I think 80 feet is close to the most
2 common height in the area north of Dummer.

3 Q. What do you base that on?

4 A. Information that I've reviewed. I can't
5 remember exactly, but I think that was the
6 information that I gleaned from various
7 sources.

8 Q. In your description of the land uses in the
9 area of Clarksville, of proposed Transition
10 Station No. 3, you state, quote, "The primary
11 uses along the corridor are forest with very
12 low density residential often combined with
13 agricultural land"; correct?

14 A. Yes.

15 Q. And are you aware that one of those homes is
16 owned by Donald and Diane Bilodeau? And it's
17 the one in the red box.

18 A. I didn't know their name.

19 Q. Are you aware that their home is shown in
20 photographs and simulations by Mr. DeWan?

21 A. I don't believe I've seen this one. I've seen
22 some of his, but I don't believe I saw this
23 one.

24 Q. Is it your --

1 A. I may have, but I just...

2 Q. Is it your opinion that the Northern Pass is
3 consistent with the orderly development of
4 the region that constitutes the Bilodeaus'
5 viewshed?

6 A. Yes.

7 Q. Should they have anticipated that a
8 transmission line would enter that region?

9 MR. NEEDLEMAN: Objection.
10 Calls for speculation.

11 MR. REIMERS: I'll rephrase my
12 question.

13 BY MR. REIMERS:

14 Q. Why is a transmission line -- why would a
15 transmission line such as Northern Pass going
16 through that region be consistent with the
17 orderly development of the region that
18 constitutes their viewshed?

19 A. It's an overhead corridor through a heavily
20 forested area. There are structures that will
21 be seen here. There are other potential land
22 uses where they would also affect this view.

23 Q. Besides what appear to be local distribution
24 lines down where the snow meets the trees, do

1 you see any other structures in this photo
2 simulation that are man-made besides the
3 Northern Pass?

4 A. No, not yet.

5 Q. After Clarksville, the next town is
6 Stewartstown; right?

7 A. Yes.

8 Q. And there are two significant water bodies in
9 Stewartstown, Little Diamond Pond and Big
10 Diamond Pond, aren't there?

11 A. Yes.

12 Q. The smaller one is Little Diamond Pond in
13 Coleman State Park; right?

14 A. Yes.

15 Q. And the larger one is Big Diamond Pond?

16 A. Yes.

17 Q. And according to Mr. DeWan's map, users of
18 neither Little Diamond Pond nor Big Diamond
19 Pond currently see transmission lines, do
20 they?

21 A. I believe that's correct.

22 Q. And that's Mr. DeWan's map, Page A-9 of
23 Applicant's Exhibit 1. And does that show
24 the existing conditions? See on the bottom

1 left?

2 A. Existing structures?

3 Q. Correct.

4 A. Yes.

5 Q. Existing visibility.

6 A. "Existing visible structures" it says, yes.

7 Q. And according to Mr. DeWan's other map, users
8 of both ponds would see the Northern Pass
9 from almost all of each pond; is that
10 correct?

11 A. I don't know.

12 Q. Do you see in this Map 02 Delta, that it is
13 colored purple in most of those two ponds?

14 A. Yes.

15 Q. And looking back at the previous map, is
16 there any purple in those ponds?

17 A. I don't see any.

18 Q. In your report, you don't mention the land
19 uses of Little Diamond Pond or Big Diamond
20 Pond, do you?

21 A. I mention the Coleman State Park that is north
22 of the Project corridor.

23 Q. And yesterday we described -- we went through
24 the three places in your report where you

1 mentioned Coleman State Park; right?

2 A. Yes, at a minimum.

3 Q. Did you find additional discussion of Coleman
4 State Park since then?

5 A. Well, I'm sure there's additional material if I
6 looked. It was well known to us that Coleman
7 State Park was there.

8 Q. And you're sure that what other information
9 in your report exists about Coleman State
10 Park?

11 A. Well, there's information, first of all, that I
12 reviewed in the EIS by the U.S. DOE. There's
13 also information in a recreation report that I
14 recall. So --

15 Q. Mr. Varney, I believe you just stated that
16 you are sure that there's additional
17 discussion or references to Coleman State
18 Park in your report, didn't you?

19 A. What I was referring to is that I was well
20 aware of Coleman State Park, that there may be
21 additional references to it in the report or
22 with other documents that I've been involved
23 in. So if your question is: Was I aware that
24 Coleman State Park was there? Did I consider

1 the fact that Little and Big Diamond Pond are
2 there? Yes, I was aware of those, of those
3 resources, and duly noted in the review of
4 prevailing land use that it was -- that the
5 Project ran south of Coleman State Park.

6 Q. Okay. That was not my question. My question
7 had to do -- I'm interested in what's in your
8 report, your prefiled testimony, not what you
9 may have reviewed but not discussed in your
10 prefiled testimony or your report.

11 Are you aware that both of these ponds
12 are used for boating and fishing?

13 A. Yes.

14 Q. And are you aware that both ponds have public
15 boat ramps?

16 A. Yes.

17 Q. Are you aware that Little Diamond Pond is a
18 designated trout pond by the New Hampshire
19 Fish & Game Department?

20 A. Yes.

21 Q. Are you aware that both Big Diamond Pond and
22 Little Diamond Pond are listed on the State
23 Park's web site as fishing destinations in
24 the Great Woods?

1 A. Yes.

2 Q. Are you aware that in Coleman State Park
3 there's a campground on Little Diamond Pond,
4 as well as cabins and boats for rent?

5 A. Yes.

6 Q. You don't mention either Little Diamond or
7 Big Diamond Pond by name in your report, do
8 you?

9 A. No.

10 Q. This is the existing view for many users of
11 the Little Diamond Pond, isn't it?

12 A. Yes, that's...

13 Q. And I'm showing you appendix -- Applicant's
14 Exhibit 1, Appendix 17, Page 14364.

15 And this would be the view for those
16 users if the Northern Pass is built, wouldn't
17 it?

18 A. I didn't conduct the Visual Impact Assessment.

19 Q. Well, looking at this Visual Impact
20 Assessment that was submitted with the
21 Application, would you trust that this
22 accurately depicts what the view for those
23 users of Little Diamond Pond would be if the
24 Northern Pass were built?

1 A. I assume so, but I don't know if it's changed
2 at all since the time it was submitted.

3 Q. Okay. And that was Applicant's Exhibit 1,
4 Appendix 17, Page 14365.

5 Coleman State Park is made up two non-
6 contiguous sections; correct?

7 A. Yes.

8 Q. And in the larger northern section, the park
9 includes part of Sugar Hill. Do you see
10 that?

11 A. Yes. I believe that was mentioned in the text
12 as well.

13 Q. And did you -- can you point out on the map
14 where Sugar Hill is?

15 A. I can't read the map very well.

16 (Witness reviews document.)

17 A. There it is.

18 Q. Do you see where it says Sugar Hill now?

19 A. Right. And there's a Sugar Hill Road as well,
20 I believe.

21 Q. Do you see the words "Sugar Hill"?

22 A. Yes.

23 Q. It's partly within the park?

24 A. Yes.

1 Q. And the rest of Sugar Hill appears to be
2 undeveloped, non-state land, doesn't it?

3 A. Yes.

4 Q. So here is the Project Map, Applicant's
5 Exhibit 2 -- I don't know what attachment --
6 oh, yeah, Exhibit 2, Page 27795. So we
7 looked at these yesterday. This is one of
8 two maps showing where the right-of-way would
9 go in between the two non-contiguous sections
10 of the park; correct?

11 A. Yes.

12 Q. And Sugar Hill is in that area; correct?

13 A. Yes.

14 Q. And that view from Little Diamond Pond is
15 looking towards the Sugar Hill area, isn't
16 it?

17 A. I believe so, yes.

18 Q. So, given that the land in between the
19 non-contiguous sections is undeveloped, and
20 given that protection of that land would
21 protect the view from Little Diamond Pond,
22 wouldn't the orderly development of the
23 region be for the land in between the two
24 state parks to become part of the park

1 someday?

2 A. I can't speculate on that.

3 Q. Why not?

4 A. I haven't conducted an assessment of whether
5 that fits or not. There are a lot of factors,
6 and I didn't make a judgment on that.

7 Q. Wouldn't the connection of the park's lands
8 be more consistent with the orderly
9 development of the region than a new,
10 overhead transmission line hundreds of feet
11 from the park and visible from Little Diamond
12 Pond?

13 MR. NEEDLEMAN: Objection. This
14 calls for speculation. There's no evidence
15 about what the future uses are as Mr. Reimers
16 is positing them.

17 MR. REIMERS: Mr. Varney is an
18 expert on orderly development. Orderly
19 development of this region includes Coleman
20 State Park. And I think it's a very fair
21 question, where there's two non-contiguous
22 sections. According to an expert on orderly
23 development of a region, what would be more
24 consistent with orderly development? That one

1 day the park could -- the two parts could come
2 together or that a transmission line would go
3 in between?

4 MR. NEEDLEMAN: This is
5 speculative and argumentative. If there's a
6 regional planning document or a local planning
7 document that you'd like to base these
8 questions on, that would be fair.

9 CHAIRMAN HONIGBERG: I don't
10 know... I don't know that he has an opinion on
11 this. Why don't you ask him if he has thought
12 about it. I mean, you're assuming that he has
13 an opinion, which may or may not be right.

14 BY MR. REIMERS:

15 Q. Okay. Have you thought about this?

16 A. No.

17 Q. So when you were reviewing this project, you
18 didn't think about whether a transmission
19 line going between those two portions of the
20 park might be less in keeping with the
21 orderly development than a transmission line?

22 MR. NEEDLEMAN: Objection.

23 CHAIRMAN HONIGBERG: Overruled.

24 You can answer.

1 A. No. And I would also state that there are many
2 transmission lines that exist throughout the
3 state where there is land that's protected
4 eventually around a transmission line and the
5 continued use exists. And so it doesn't
6 preclude any scenarios like that in the future.
7 But I think if we played this game of guessing
8 what the future land uses might be, will there
9 be an expansion of existing conserved land in
10 an area, it would be an endless game of
11 guessing of which lands are going to be
12 expanded or purchased or conserved at some
13 unknown point in the future.

14 BY MR. REIMERS:

15 Q. Are you aware of any other place along the
16 proposed right-of-way where the proposed
17 right-of-way goes in between two parts of a
18 state park?

19 A. Yes, absolutely. Bear Brook State Park in
20 Allenstown. And another example, of course,
21 would be Pondicherry, where it's not a state
22 park, but it is a well-known and popular
23 wildlife preserve, and in a sense a park, that
24 has formed around the existing, pre-existing

1 transmission right-of-way.

2 Q. A few questions about Diamond Pond Road. You
3 describe where the overhead right-of-way
4 would across Diamond Pond Road, and you
5 state, "There are few residences, many of
6 which appear to have a moderate to dense tree
7 cover buffer between houses and the
8 right-of-way"; is that correct?

9 A. Yes.

10 Q. That was your report in Applicant's Exhibit
11 1, Appendix 41, Page A-9.

12 And according to Mr. DeWan's maps, users
13 of Diamond Pond Road would view the Northern
14 Pass, wouldn't they?

15 MR. NEEDLEMAN: Objection. Mr.
16 DeWan testified that these maps are
17 "theoretical visibility."

18 CHAIRMAN HONIGBERG: Mr.
19 Reimers.

20 BY MR. REIMERS:

21 Q. According to Mr. DeWan's maps, users of
22 Diamond Pond Road would "theoretically" view
23 the Northern Pass, wouldn't they?

24 A. Potentially.

1 Q. And this moderate to dense tree cover you
2 state appears to exist will not prevent users
3 of Diamond Pond from theoretically viewing
4 the Northern Pass, wouldn't it?

5 A. I didn't make a judgment on that. I simply
6 pointed out that there was moderate to dense
7 tree cover between the houses and the
8 right-of-way. I didn't make a judgment as to
9 how that translated into existing or, rather,
10 potential visual impacts.

11 Q. Did you visit the private properties to
12 determine tree cover buffer?

13 A. No.

14 Q. You didn't do any analysis to determine this,
15 did you?

16 A. No. I was not the visual expert.

17 Q. And there's no analysis in your report where
18 you discuss visibility and tree cover buffer,
19 is there?

20 A. No. I was just providing a fact in the
21 description of the route.

22 Q. Would you characterize the statement, "There
23 are few residences, many of which appear to
24 have a moderate to dense tree cover buffer

1 between houses and the right-of-way," end
2 quote, to be a fact?

3 A. The existence of the tree canopy appeared to be
4 a fact at the time that the report was written.
5 And it was obvious in looking at visuals of the
6 route that there was some tree canopy there.
7 But it didn't go as far as to suggest that
8 there was any sort of visual assessment done of
9 how much one may or may not see the
10 right-of-way.

11 Q. You state that Stewartstown's economy has
12 been based on manufacturing, mixed
13 agriculture and the timber industries;
14 correct? It's on Page A-8 of your report.

15 A. That was Victoria's Bunker statement which is
16 noted in the text.

17 Q. And you are including her statement in your
18 report; correct?

19 A. Yes.

20 Q. Do you have any reason to suggest that this
21 statement in your report is incorrect?

22 A. It's talking about a historical perspective on
23 how things have changed over time and some of
24 the history of the town that was based on

1 manufacturing, mixed agriculture and
2 timber-related industries.

3 Q. In a letter from the select boards of
4 Pittsburg, Stewartstown and Clarksville, the
5 boards state, quote, "Our scenic resources
6 and landscapes are the essence of who we are.
7 They define our communities and our sense of
8 place. They drive the economy of the area
9 through tourism and the building, maintenance
10 and repair of second homes and vacation
11 properties"; correct?

12 A. Yes.

13 Q. That's SPNF 231. You don't address the land
14 uses of second homes and vacation properties
15 in your report, do you?

16 A. No.

17 Q. The select boards further state, quote,
18 "Highly important, scenic, cultural and
19 historic areas of Pittsburg and Canaan, in
20 Vermont, would forever be changed" -- I'm
21 sorry -- "would forever be adversely changed
22 by the existence and dominance of this
23 commercial intrusion into the pastoral
24 landscapes surrounding the historically

1 important Pittsburg area known as the Indian
2 Stream Republic; correct?

3 A. Yes.

4 Q. You don't mention the Indian Stream Republic
5 in your report, do you?

6 A. No, I don't believe so.

7 Q. In their letter, the three select boards
8 state that the towers would be starkly
9 visible from some of the most valuable
10 residential and tourism development
11 properties in Stewartstown Colebrook, and
12 that, quote, "this segment of the
13 transmission line would ruin views from and
14 entryways to Coleman State Park"; correct?

15 A. Yes. They were concerned about visual impacts,
16 and visual impacts have been addressed by the
17 visual impact expert.

18 Q. Are the three select boards wrong about the
19 economy and prevailing land uses in their
20 region?

21 A. I wouldn't make a judgment on it. I would say
22 that the forest industry remains a very
23 important part of the economy and that
24 throughout New Hampshire there are some tourism

1 development properties that exist, and there
2 are a small number of residential properties
3 throughout along the route.

4 Q. Are the select boards wrong about the
5 importance of vacation and second home land
6 uses in their towns?

7 A. I don't have any reason to dispute what they
8 would say. That's their view of the economy.
9 But I don't know how well that would be backed
10 up by an investigation into that issue.

11 Q. Have you ever --

12 A. Simply stating their views.

13 Q. Have you ever lived in Pittsburg, Clarksville
14 or Stewartstown?

15 A. No.

16 Q. In your report you mention that you reviewed
17 various statewide plans; correct?

18 A. Yes.

19 Q. And at the end of the list you conclude,
20 quote, "The Project is consistent with these
21 plans and will not interfere with their
22 implementation"; correct?

23 A. Correct.

24 Q. The first plan on your list is the New

1 Hampshire State Development Plan 2000, isn't
2 it?

3 A. Yes.

4 Q. This is the cover page; correct?

5 A. Yes.

6 Q. This is SPNF 233. The plan's pages are not
7 numbered, but there is a page that has the
8 following passage: Local communities must
9 continue to play a leading role in land use
10 management, identifying those natural,
11 cultural and historic resources that are the
12 foundation of a community's heritage must be
13 a priority. Without this sense of place, a
14 community's character is at risk. Correct?

15 A. Yes.

16 Q. So, in keeping with this plan's
17 recommendation, the letter from the select
18 boards of Pittsburg, Clarksville and
19 Stewartstown identified two examples of
20 resources, the Indian Stream Republic and
21 Coleman State Park, that help define their
22 communities, didn't they?

23 A. They are assets in the community. They're an
24 important part of their heritage, yes.

1 Q. Both the planning document that you reviewed
2 and the boards' letter both mention "sense of
3 place," don't they?

4 (Witness reviews document.)

5 A. Probably, yeah. "Sense of place" is a
6 characteristic.

7 Q. So, construction of the Northern Pass could
8 interfere with the ability of Pittsburg, for
9 example, to do as the statewide plan
10 recommends, which is to play a leading role
11 in land use management and otherwise protect
12 the resources that are the foundation of the
13 community's heritage, couldn't it?

14 A. The Project would not interfere with their
15 ability to do that throughout the entire town.

16 Q. But it might interfere with that with regard
17 to particular places?

18 A. In terms of affecting existing land use, it
19 wouldn't. And then as it relates to potential
20 visual impacts, I'm not the expert on that.

21 Q. As far as having an effect on tourism, do you
22 have an opinion about that?

23 A. There was an expert who offered an opinion
24 about tourism and the fact that the Project

1 will not adversely affect tourism along its --
2 in the area in which it's located.

3 Q. You don't dispute the importance that those
4 select boards put on Indian Stream Republic
5 and Coleman State Park, do you?

6 A. No.

7 Q. So after Stewartstown, the new overhead
8 right-of-way would enter Dixville; correct?

9 A. Hmm-hmm.

10 Q. Soon after the right-of-way enters Dixville,
11 Nathan Pond is just above the right-of-way;
12 correct?

13 A. Yes.

14 Q. And do you see that in that yellow box?

15 A. Yes.

16 Q. Nathan Pond is a remote, walk-in trout pond,
17 isn't it?

18 A. I believe so, yes.

19 Q. Do you see that on the --

20 A. Yes.

21 Q. -- exhibit? That's SPNF 89.

22 Are you aware that Nathan Pond is a
23 designated trout pond by New Hampshire Fish &
24 Game?

1 A. Yes.

2 Q. Are you aware that Nathan Pond is also
3 designated by Fish & Game as a remote trout
4 fishery?

5 A. I wasn't aware of that. But yes, I'm sure it
6 is.

7 Q. And that's SPNF 242, and the prior exhibit
8 was SPNF 15.

9 Are you aware that Nathan Pond is the
10 only designated remote trout fishery in
11 Dixville?

12 A. Yes.

13 Q. You're now aware of it; correct?

14 A. Yes.

15 Q. Are you aware that Nathan Pond is listed on
16 the State Parks web site as a fishing
17 destination in the Great North Woods?

18 A. Yes, I believe I did see that.

19 Q. That's SPNF 16.

20 Currently, users of Nathan Pond do not
21 see any transmission lines or structures;
22 correct? Theoretically?

23 A. Theoretically, perhaps.

24 Q. If the Northern Pass is built, users of parts

1 of Nathan Pond would see one to five
2 structures; correct? Theoretically?

3 A. Perhaps. Again, I'm not the visual expert, so
4 I don't want to...

5 Q. Look at this Map 02 Proposed. You see Nathan
6 Pond, don't you?

7 A. Yes.

8 Q. And do you see that it's colored purple?

9 A. Yes.

10 Q. So if we look back at the prior Map 03
11 Existing, looking at Nathan Pond, is there
12 any purple?

13 A. No.

14 Q. So, theoretically, users of Nathan Pond would
15 see one to five structures; correct?

16 A. Potentially.

17 Q. When you say "potentially," what do you mean?

18 A. That I didn't conduct the Visual Impact
19 Assessment of this project.

20 Q. So are you saying that you're relying on what
21 I'm showing you of Mr. DeWan's work?

22 A. No.

23 Q. When you say "potentially," are you
24 suggesting that they may not see these

1 structures?

2 A. I don't know. You're providing a map, and I
3 don't have the full context of it. I haven't
4 reviewed the expert's consideration of this and
5 any comments he may have made to the SEC about
6 it. It's not my area of expertise. I'm aware
7 of the pond. I'm aware of where the
8 right-of-way is located.

9 Q. Nathan Pond is about a fifth of a mile from
10 the right-of-way, isn't it?

11 A. I don't believe I measured it, but --

12 Q. You can look at --

13 A. -- it probably is about that.

14 Q. You can look at Mr. DeWan's legend. I'm not
15 asking exactly. But do you think it looks to
16 be about a fifth of a mile away?

17 A. Again, probably.

18 Q. You don't describe or mention how Nathan Pond
19 is used in your report, do you?

20 A. Not in this report, no.

21 Q. But you do describe the use of nearby Mud
22 Pond, don't you?

23 A. Yes, and I also describe the Nathan Pond Ride
24 the Wilds ATV trail.

1 Q. So you describe the use of Mud Pond, and you
2 state in your report that approximately one
3 mile south of this location is Mud Pond, a
4 forested, outdoor recreation spot that is
5 managed as part of the Balsams Resort;
6 correct?

7 A. Yes.

8 Q. And the Balsams Resort supports the Northern
9 Pass Project, doesn't it?

10 A. Yes, I believe so.

11 Q. The Mud Pond is a mile away from the
12 right-of-way, isn't it?

13 A. I think so, yes.

14 Q. Well, actually, you state in your text that
15 it's a mile away.

16 A. Yeah, a mile away.

17 Q. Now, stepping back, overall in your
18 methodology you focused on land uses and
19 features in or adjacent to the right-of-way;
20 correct?

21 A. I talk about features that are along the
22 corridor. And so it does talk about crossing
23 southeast through forested land for about one
24 mile, cross the Snowmobile Corridor Trail 18

1 and then a route used for both Nathan Pond Ride
2 the Wilds ATV Trail and Snowmobile Corridor 18,
3 and then to the south was the Mud Pond.

4 Q. So if Nathan Pond is approximately a fifth of
5 a mile away, isn't Nathan Pond more adjacent
6 to the corridor than Mud Pond, which is a
7 mile away?

8 A. Probably.

9 Q. When you say "probably," under what scenario
10 would something that is one fifth of a mile
11 away be --

12 A. No, I probably could have gone into more depth
13 on Nathan Pond in the written description.

14 Q. It would be fair to say that you singled out
15 a farther-away land use managed by a
16 supporter of the Project and ignored a much
17 closer, state-designated remote trout pond,
18 wouldn't it?

19 A. No. I didn't even know if the Balsams
20 supported the Project at the time that I was
21 writing this report.

22 Q. Do you know why you focused on a mile-away
23 Mud Pond and didn't discuss Nathan Pond?

24 A. No. As I probably stated, I could have

1 probably provided more detail about Nathan
2 Pond.

3 MR. REIMERS: This would be a
4 good time to break.

5 CHAIRMAN HONIGBERG: All right.
6 We're going to take a ten-minute break.

7 (Recess was taken at 10:06 a.m.,
8 and the hearing resumed at 10:30 a.m.)

9 CHAIRMAN HONIGBERG: All right.
10 Mr. Needleman.

11 MR. NEEDLEMAN: Thank you, Mr.
12 Chairman. Mr. Varney is having a personal
13 issue at the moment and will be back out in a
14 couple minutes to keep going. But he's got an
15 appointment now at 1:00 that will take an
16 indefinite amount of time this afternoon, and
17 so it's not clear to us whether after lunch he
18 would be able to return today.

19 CHAIRMAN HONIGBERG: Okay. I
20 think it probably makes sense for folks to get
21 together to see if there's anything productive
22 we can do this afternoon in his absence, but
23 otherwise we'll do what we need to do.

24 MR. NEEDLEMAN: Okay. Thank

1 you. We apologize for this.

2 (Pause)

3 MR. VARNEY: Thank you.

4 CHAIRMAN HONIGBERG: Mr.
5 Reimers, you're ready to go?

6 MR. REIMERS: Yes.

7 CHAIRMAN HONIGBERG: You may
8 continue.

9 BY MR. REIMERS:

10 Q. Mr. Varney, we just discussed Dixville.
11 After Dixville, the next town on the new
12 overhead right-of-way would be Millsfield;
13 correct?

14 A. Yes.

15 Q. And in Millsfield, the right-of-way would be
16 through Wagner Forest land?

17 A. Yes.

18 Q. On your map in your report at Page A-16, the
19 majority of the land is colored light brown
20 or gray in this area. According to the
21 legend, what land use is that?

22 A. I believe in the mosaic from the state agency
23 it says "unknown vacant land" for the gray.

24 Q. The accurate color for the Wagner Forest land

1 would be green for forest land, wouldn't it?

2 A. Yes, I believe so, and it's described in the
3 text.

4 Q. Are you aware that there are several trout
5 ponds in Millsfield?

6 A. Yes.

7 Q. Are you aware of Millsfield Pond?

8 A. Yes.

9 Q. Okay. This is SPNF 243. Are you aware of
10 Moose Pond, also known as Little Millsfield
11 Pond?

12 A. Yes, I recall seeing that. Yes.

13 Q. This is SPNF 244. You recall seeing that
14 where?

15 A. In materials that I reviewed.

16 Q. Are you aware of Bragg Pond?

17 A. I see it on the map.

18 Q. This is SPNF 90.

19 In your report you, mentioned that Bragg
20 Pond is approximately 1,760 feet from the
21 right-of-way; is that right?

22 A. Yes.

23 Q. Are you also aware of Long Pond?

24 A. Off the top of my head, I've heard of it, but I

1 can't recall.

2 Q. There are currently no transmission lines
3 visible, theoretically -- well, not
4 theoretically. Strike that.

5 There are no currently no transmission
6 lines visible from any of these four ponds;
7 is that correct?

8 A. I am not sure. I'm not the visual expert.

9 Q. I'm showing you SPNF 248, which is -- which
10 has red boxes. Do you see those --

11 A. Yes.

12 Q. -- around the four ponds that I just
13 mentioned? And this is Mr. DeWan's Map 04
14 Existing. Is that what it says?

15 A. Yes.

16 Q. And do you see that in his legend he has
17 various shades of purple for visibility?

18 A. Yes.

19 Q. And the deeper the purple, the more
20 theoretical visibility?

21 A. Yes.

22 Q. So do you see any purple on these ponds?

23 A. No.

24 Q. If the Northern Pass is built, users of

1 Millsfield, according to Mr. DeWan's map,
2 would theoretically see 1 to 20 structures,
3 wouldn't they?

4 A. Again, I'm not the visual expert, and I don't
5 know how he characterized this --

6 Q. Okay.

7 A. -- during the proceedings.

8 Q. On this Map 04 Proposed, would you agree that
9 Millsfield Pond has various shades of purple?

10 A. Yes.

11 Q. If the Northern Pass is built, users of part
12 of Long Pond would theoretically see 6 to 20
13 towers; correct?

14 A. Perhaps.

15 MR. REIMERS: Mr. Chairman, may
16 I have one second, or a few seconds?

17 (Pause in proceedings)

18 BY MR. REIMERS:

19 Q. Okay. Mr. Varney, do you see how on the
20 screen some labels for the maps for the
21 different ponds are kind of confusing?

22 A. Yes.

23 MR. REIMERS: Oh, yeah, let's
24 use the ELMO.

1 BY MR. REIMERS:

2 Q. Okay. Just so we're all clear, the larger
3 pond -- the largest pond is Millsfield Pond;
4 correct?

5 A. Yes.

6 Q. And just above that is Bragg Pond?

7 A. Yes.

8 Q. And then near the "Signal Mountain Fire
9 Tower" language is Long Pond?

10 A. Yes.

11 Q. And to the upper right of that is Moose Pond;
12 right?

13 A. Yes.

14 (Pause)

15 Q. Looking back at SPNF 248, which is Map 04
16 Proposed of DeWan's map with the purple, do
17 you see that Bragg Pond has various shades of
18 purple in it?

19 A. Yes.

20 Q. And that indicates theoretical visibility?

21 A. According to this map, yes.

22 Q. And do you see Long Pond, which has various
23 shades of purple in part of Long Pond?

24 That's the one near the "Signal Mountain Fire

1 Tower" language.

2 A. Yes. Small amount, yes.

3 Q. And do you see Moose Pond having shades of
4 purple there, too?

5 A. Yes, light purple.

6 Q. Are you aware that all four ponds are
7 designated trout ponds by the New Hampshire
8 Fish & Game Department?

9 A. No.

10 Q. Showing you SPNF 15. Would you agree that
11 all four ponds are on that list?

12 A. Yes.

13 Q. Are you aware that Bragg Pond, Long Pond and
14 Moose Pond are also designated by Fish & Game
15 as remote trout fisheries?

16 A. Yes.

17 Q. Showing you SPNF 242. Those are the only
18 remote trout fisheries in Millsfield on this
19 list, aren't they?

20 A. Yes.

21 Q. Do you see the introductory paragraph by Fish
22 & Game that states, quote, "The New Hampshire
23 Fish & Game Department manages selected
24 waters to provide remote trout fishing

1 experiences, meaning anglers have an
2 opportunity to catch fish in a wilderness
3 setting." Do you see that?

4 A. Yes.

5 Q. If a fisher person would see transmission
6 structures from the pond, the pond would feel
7 less remote, wouldn't it?

8 A. Could you repeat that? I was reading your
9 slide. Sorry.

10 Q. That's okay. If a user of the pond would see
11 transmission structures, the pond would feel
12 less remote to that user, wouldn't it?

13 A. I'm not sure. I don't know how that individual
14 would feel. Can't speculate.

15 Q. If a user of the pond would see transmission
16 towers, the pond would no longer have a
17 wilderness setting, would it?

18 MR. NEEDLEMAN: Objection. This
19 sounds like we're talking about visual
20 assessment at this point, and use and
21 enjoyment.

22 MR. REIMERS: Fish & Game has
23 designated certain ponds for a particular use,
24 which is remote trout fishing, or remote trout

1 fishery. And in designating this particular
2 use, Fish & Game talks about the particular --
3 the special use that these particular ponds
4 would have versus other fisheries. That's why
5 they have the designated trout fishery list,
6 which is not the remote one.

7 So Mr. Varney has written a
8 report regarding -- that has two sections of
9 prevailing land uses, recreation and wetlands
10 water bodies. And in his report he mentions
11 Bragg Pond and says that it's 1760 feet away.
12 Doesn't mention any of the other ponds. And
13 throughout his report he also has mentioned
14 the use of some particular ponds. So I think
15 it is a very fair question to ask him about
16 the user's experience at these particular
17 ponds, one of which he specifically mentioned
18 and three of which he did not.

19 CHAIRMAN HONIGBERG: Mr.
20 Needleman.

21 MR. NEEDLEMAN: Well, several
22 points. First of all, everything that Mr.
23 Reimers just said goes directly to use and
24 enjoyment in the context of aesthetics

1 analysis. I'm not sure why those witnesses
2 weren't asked.

3 Second of all, this also
4 sounds like it relates directly to questions
5 of tourism, which Mr. Varney has already
6 testified he's relying on another witness for
7 that. So Mr. Varney has said multiple times
8 that the focus of the work he did was on land
9 use, changes in land use, existing versus
10 future. I don't see how this relates to
11 that.

12 CHAIRMAN HONIGBERG: But I think
13 if Mr. Varney doesn't know the answers to the
14 questions that Mr. Reimers is asking and
15 believes that those questions should be
16 directed to a different panel, that's what he
17 should say. I think if it's in the report,
18 it's reasonable for Mr. Reimers to ask about
19 them. But he may get answers that are
20 consistent with what Mr. Varney said in
21 response to other questions.

22 So I don't remember the
23 specific question anymore, so if you want to
24 repeat it, that might be helpful.

1 BY MR. REIMERS:

2 Q. If users of one of these remote trout
3 fisheries would view transmission structures
4 from that pond and during their use, that
5 pond would no longer have a wilderness
6 setting, would it?

7 A. I don't know.

8 Q. Did you inquire with Fish & Game whether the
9 Northern Pass would cause some ponds to be
10 de-listed?

11 A. No. I simply looked at existing land uses
12 along the line. And in this case, a stocked
13 trout pond would be continued to be available
14 for fishing at these ponds.

15 Q. If a pond did lose its remote trout fishery
16 designation, would that be a change in use
17 caused by the Northern Pass?

18 A. It would still be a trout pond where people are
19 able to enjoy fishing.

20 Q. It would be a trout pond. But my question
21 is: If it was de-listed from the remote
22 trout pond list, would that be a change in
23 use?

24 A. It's a recreational use that currently exists.

1 And people would be able to fish there and
2 catch stocked trout before the Project occurs,
3 and they would be able to fish there for
4 stocked trout after the Project is constructed.

5 Q. I'm showing you SPNF 16. Are you aware that
6 Millsfield Pond, Long Pond and Moose Pond are
7 also listed on the State Parks web site as
8 fishing destinations in the Great North
9 Woods?

10 A. Yes.

11 Q. In your report, you mentioned the distance
12 between the proposed right-of-way and Bragg
13 Pond, but you did not discuss the use of
14 Bragg Pond, did you?

15 A. It simply mentions it in the context of a pond
16 and the ATV trails and the logging roads and
17 the significant forest harvesting that occurs
18 in the area.

19 Q. And in your report you did not mention Long
20 Bond, Millsfield Pond or Moose Pond at all,
21 did you?

22 A. No.

23 Q. Here is SPNF 249 which shows the theoretical
24 visibility from the four ponds as it is now

1 and lists the state designations for each
2 pond. Do you agree with any of these
3 designations?

4 A. I don't have an opinion on the designations.
5 It was not part of my report to evaluate the
6 designation.

7 Q. It would be fair to say that trout fisheries
8 are a prevailing land use in this part of
9 Millsfield, wouldn't it?

10 A. That hunting and fishing are common
11 recreational activities, along with
12 snowmobiling and ATV use.

13 Q. So, after Millsfield and Errol, the next town
14 would be Dummer, wouldn't it?

15 A. Yes.

16 Q. And the Northern Pass would run a total of
17 8.9 miles through Dummer; is that right?

18 A. Yes.

19 MR. REIMERS: Sorry. We need to
20 switch back to the hardwire, please.

21 BY MR. REIMERS:

22 Q. So the first 6 miles would be new overhead
23 right-of-way, and the remaining 2.9 miles in
24 Dummer would be in an existing right-of-way

1 where there currently stands a 115 kV line;
2 correct?

3 A. Yes.

4 Q. So, soon after entering Dummer, the new
5 right-of-way comes about 1,000 feet from
6 Dummer Pond; is that correct?

7 A. Yes, I believe so.

8 Q. In your report, are you referring to Big
9 Dummer Pond or Little Dummer Pond?

10 A. I can't remember. It's been a couple of years.

11 Q. Are you aware that there are two?

12 A. I looked at the maps. And so, to the extent
13 that it's there, then I'm aware of it.

14 Q. According to Mr. DeWan's Map 05 Existing, do
15 you see, Big Dummer Pond and Little Dummer
16 Pond?

17 A. Yes.

18 Q. And do you see any purple that would indicate
19 theoretical visibility at those ponds?

20 A. I see some purple on this map, yes.

21 Q. Do you see any purple on Big Dummer or Little
22 Dummer Pond?

23 A. No.

24 Q. If the Northern Pass is built, users of

1 nearly every part of both ponds would
2 theoretically see the Northern Pass, wouldn't
3 they, according to Mr. DeWan?

4 A. Yeah, I don't know. I didn't conduct the
5 Visual Impact Assessment.

6 Q. Do you see on this map where Big Dummer and
7 Little Dummer Ponds are?

8 A. I see purple on the map. But again, I'm not
9 the visual expert.

10 Q. So if you go back, this is the map we just
11 looked at showing no theoretical visibility.
12 And do you see purple covering most or all of
13 Big Dummer Pond and Little Dummer Pond?

14 A. Yes.

15 Q. And that purple indicates theoretical
16 visibility; correct?

17 A. Yes, apparently.

18 Q. Mr. DeWan did a simulation from Big Dummer
19 Pond. Are you aware of that?

20 A. Yes.

21 Q. And these... I'm showing you his photo
22 simulation at Page APP 14401 of Appellant's
23 [sic] Exhibit 1, Appendix 17. These would be
24 some of the towers visible to users of Big

1 Dummer Pond; correct?

2 A. Yes.

3 Q. Are you aware that Big Dummer and Little
4 Dummer Ponds are designated trout ponds by
5 New Hampshire Fish & Game?

6 A. No, but I'm sure it's on the list.

7 Q. Do you see them on SPNF 15?

8 A. Yes.

9 Q. Are you aware that the Dummer Ponds are
10 listed on the State Parks web site as fishing
11 destinations in the Great North Woods?

12 A. Yes.

13 Q. And except for mentioning that the proposed
14 right-of-way would be about 1,000 feet from
15 Dummer Pond, you don't address the uses of
16 Big Dummer or Little Dummer Ponds in your
17 report, do you?

18 A. No.

19 Q. Now, after Dummer, the Northern Pass
20 right-of-way would enter Stark; correct?

21 A. Yes.

22 Q. And in your report you state, quote, "In
23 Stark, the existing 150-foot wide
24 right-of-way contains a single 115 kV

1 transmission line within a 140-, plus or
2 minus, foot cleared corridor"; correct?

3 A. Yes.

4 Q. That's in your report at A-20. So the
5 corridor's cleared currently to 140 feet?

6 A. I believe that was the measurement at the time.

7 Q. In the next paragraph you state, "Additional
8 vegetative clearing will occur in the
9 150-foot right-of-way ranging from 10 to 40,
10 plus or minus"; correct?

11 A. Yes, that was my understanding.

12 Q. Okay. I assume you meant 10 to plus or minus
13 40 feet.

14 A. Yes.

15 Q. If the existing right-of-way is 150 feet wide
16 and is already cleared to 140 feet, how can
17 up to 40 feet of additional clearing take
18 place?

19 A. I don't recall. It was probably a
20 generalization, and there may have been an area
21 that needed some additional vegetative removal.

22 Q. That wouldn't apply to this particular area,
23 would it?

24 A. I don't recall.

1 Q. Do you think that if it's already cleared, if
2 the right-of-way is cleared to 140 feet, that
3 any more than 10 additional feet could be
4 cleared if the right-of-way is 150 feet tall?

5 A. If that's a constant number, yes. I assume so.
6 I don't know.

7 Q. You state that the existing 115 kV towers in
8 Stark are 43 to 56.5 feet in height; correct?

9 A. Yes.

10 Q. For the rebuilt 115 kV line, the new towers
11 would be 74.5 to 110.5 feet in height;
12 correct?

13 A. Yes.

14 Q. And new Northern Pass towers would be 70 to
15 130 feet in height; right?

16 A. Yes.

17 Q. So, with the two transmission lines ranging
18 from 74.5 to 110.5 feet and 70 to 130 feet,
19 Stark would have two transmission lines that
20 are roughly comparable in height if the
21 Northern Pass is built, wouldn't it?

22 A. Similar height. Yes, I believe so.

23 Q. Both would have a minimum of 70 feet in
24 height?

1 A. I believe so. Obviously, there are a lot of
2 factors in structure heights with topography.
3 But, yes, I assume so.

4 Q. Well, looking at the text in your report,
5 would you agree that both lines would be a
6 minimum of 70 feet in height?

7 A. Yes.

8 Q. And both would be at least 110.5 feet in
9 height at their tallest parts, according to
10 your report?

11 A. For the relocated line, there could be. Yes.

12 Q. In essence -- strike that.

13 So if you have two transmission lines
14 in Stark roughly comparable in height --
15 strike that question.

16 At the conclusion of the Stark report,
17 you state, quote, "A general depiction of
18 existing land uses along the corridor in
19 Stark is provided on the attached map";
20 correct?

21 A. Yes.

22 Q. And looking at your attached map, Page A-22,
23 despite its legend, your map of Stark does
24 not show any land uses at all, does it?

1 A. This is the data that came from the Department
2 of Revenue Administration.

3 Q. And it's also the data that you decided to
4 put into your report; correct?

5 A. It was the source of data that was recommended
6 by the Regional Planning Commission.

7 Q. When you prepared your report, did you notice
8 that there were no land uses actually shown
9 on the map for Stark?

10 A. Yes.

11 Q. Yet, nevertheless, your text --

12 A. It describes land use along the corridor. In
13 each of these cases, we didn't rely entirely on
14 the maps that are located there. We looked
15 carefully at the route of the Project and
16 described land uses along the corridor.

17 Q. So in your Stark report where you state, "A
18 general depiction of existing land uses along
19 the corridor in Stark is provided on the
20 attached map," that isn't accurate in this
21 case, is it?

22 A. Well, actually, you do get a sense of it as it
23 relates to the parcels that are shown. And
24 there are some uses that one can glean from

1 that map. But again, we didn't simply rely on
2 the Department of Revenue Administration's
3 mosaic map. We looked at additional maps and
4 described prevailing land uses along the
5 right-of-way in this town. And of course, this
6 is all within an existing corridor, utility
7 corridor.

8 Q. Looking at the legend on your map, can you
9 glean from the map any of the shown colors
10 that are shown in the legend, purported to be
11 on the map?

12 A. I can glean topographical features,
13 including --

14 Q. Mr. Varney, that wasn't my question. I said,
15 can you glean any of the colors shown in the
16 legend?

17 A. There are some colors in the map. I mean, it's
18 hard to read it to scale. But there appear to
19 be three or four colors shown here.

20 Q. Any that -- tell me one, please, that --

21 A. As well as the water bodies that are shown.

22 Q. Are the water bodies shown in the same color
23 as the legend indicates water bodies are
24 shown?

1 A. No, but they're obvious.

2 Q. Would you say that the prevailing land uses
3 in and along the corridor are obvious on this
4 map?

5 A. It's described in the text. Did not rely
6 entirely on the map. It's described in some
7 detail in the text.

8 Q. But you didn't describe all the nearby
9 features in your text -- for example, some
10 ponds; correct?

11 A. Could always have added more in every
12 description. But my sense was that this was a
13 fairly accurate description of land uses along
14 the corridor, which is, as I said, an existing
15 corridor.

16 MR. REIMERS: Dawn, would you
17 please turn on the ELMO, please? Thank you.

18 BY MR. REIMERS:

19 Q. I just have a few questions about
20 Northumberland.

21 Are you familiar with Cape Horn State
22 Forest?

23 A. With which one?

24 Q. Cape Horn State Forest.

1 A. Yes.

2 Q. Are you aware that it's in Northumberland?

3 A. Yes.

4 Q. Can you locate it on this map?

5 A. It would be east of Route 3. Where are we
6 here? I'm not oriented.

7 Q. Let me help.

8 A. I can't see the highway there. But it's a
9 high-elevation state park -- state forest,
10 rather.

11 Q. Would you agree that it's kind of in the
12 middle, south of the --

13 A. Yes, yes.

14 Q. -- below the right-of-way --

15 A. Yes, where that prominent feature --

16 (Court Reporter interrupts.)

17 A. I'm sorry.

18 BY MR. REIMERS:

19 Q. And there's an arc of what looks like higher
20 land?

21 A. Yes.

22 Q. And there's green around much of it?

23 A. Yes.

24 Q. Okay. That would be generally the Cape Horn

1 State Forest; correct?

2 A. Which has the existing transmission line
3 right-of-way within it, yes.

4 Q. And let me ask you about that transmission
5 line right-of-way. Is the transmission line
6 right-of-way -- you're talking about the
7 existing one; right?

8 A. Yes.

9 Q. Is that to the east or to the west of Cape
10 Horn State Forest, keeping in mind that the
11 north arrow faces a certain direction on this
12 map?

13 (Witness reviews document.)

14 A. What was your question again?

15 Q. Do you see where the north arrow is, which
16 way it points on the bottom left?

17 A. Yes.

18 Q. Looks like a timer.

19 A. Yes.

20 Q. The existing right-of-way that you mentioned,
21 is that to the east or to the west of the
22 prominent feature in Cape Horn State Forest?

23 A. In this case, it's to the east, I believe.

24 Q. You believe it's close to the proposed

1 right-of-way?

2 A. Yes.

3 Q. Are you aware that there's another existing
4 right-of-way on the west side of the
5 prominent feature of Cape Horn State Forest?

6 A. Yes, I believe so.

7 Q. Did you consider the cumulative impacts to
8 Cape Horn of having two transmission line
9 rights-of-way, one on either side of the
10 prominent feature of Cape Horn State Forest?

11 A. I considered that the Project was proposing to
12 use an existing electric transmission line
13 right-of-way for their project, which is a
14 sound planning principle.

15 Q. Did you analyze whether two transmission --
16 the Northern Pass and another existing
17 transmission right-of-way would have a
18 cumulative effect on Cape Horn State Forest?

19 A. No. The change in use will not -- there will
20 not be a change in use. It's an existing
21 transmission line, and it will remain as an
22 existing transmission line after the Project is
23 completed.

24 Q. Moving on to Lancaster. Weeks State Park is

1 in Lancaster, isn't it?

2 A. Yes.

3 MR. REIMERS: Back to the
4 hardwire, please, Dawn.

5 BY MR. REIMERS:

6 Q. I'm showing you your report at A-28. Where
7 is Weeks State Park on your map?

8 A. Again, it's the mosaic. But I'm very familiar
9 with that state park. And the park is to the
10 west of the transmission line.

11 Q. Do you know where? South? North? You said
12 it's to the west?

13 A. Yes.

14 Q. Is it that larger kind of green blob on the
15 lower part of the middle of the page, more or
16 less?

17 A. Yes.

18 Q. Weeks State Park is not identified on your
19 map; right?

20 A. No, it's described in the Land Use Report.

21 Q. But on the map it's lumped in with other
22 forest land; correct?

23 A. The State Department of Revenue Administration
24 produced this map.

1 Q. And you chose to include it in your report;
2 correct?

3 A. Yes.

4 Q. And the mountain constituting Weeks State
5 Park is Mount Prospect; right?

6 A. Yes.

7 Q. Now, Martin Meadow Pond is also in Lancaster;
8 right?

9 A. Yes.

10 Q. Are you aware that the New Hampshire Division
11 of Historical Resources recently listed the
12 Mount Prospect, Martin Meadow Pond cultural
13 landscape -- as potentially eligible for
14 cultural landscape designation?

15 A. No, but I'm aware that the Project has
16 historical, cultural, archeological experts on
17 the Project.

18 Q. I'm showing you Counsel for the Public's 443.
19 You don't mention Martin Meadow in your
20 ponds, do you?

21 A. No.

22 Q. Are you aware that Martin Meadow Pond is also
23 listed on the State Parks web site as a
24 fishing destination in the Great North Woods?

1 A. Yes.

2 Q. Do you see Martin Meadow Pond at the bottom
3 of the map showing Weeks State Park? This is
4 Mr. DeWan's Map 08 Proposed.

5 A. Yes.

6 Q. Do you see that?

7 A. Yes.

8 Q. Let's look back at your map. Do you know
9 where on your map Martin Meadow Pond is?

10 A. I need to have them side by side to accurately
11 pinpoint it for you. As I said, I'm well aware
12 of Weeks State Park.

13 Q. According to your map, the legend on your
14 map, water would be light blue; right?

15 A. Yes.

16 Q. And there's no light blue on your map, is
17 there?

18 A. No, not on this map. But again, this wasn't
19 the only map that we relied upon when we looked
20 at land uses along the existing corridor.

21 Q. There is a large wetland complex in the area
22 of the Northumberland/Lancaster border, isn't
23 there?

24 A. I can't recall.

1 Q. I'm going to show you the Project maps,
2 Applicant's Exhibit 2 at Page 27875 and
3 27877. Do you see the line between
4 Northumberland and Lancaster?

5 A. Yes.

6 Q. Do you see, according to the legend, wetlands
7 are shown with yellow hashing?

8 A. Yes.

9 Q. And this is the other project map. Do you
10 see the same yellow hashing on that border
11 between Northumberland and Lancaster?

12 A. Yes.

13 Q. Would you agree that there's a large wetlands
14 in that area?

15 A. It appears so.

16 Q. Do you recall a discussion of that wetlands
17 during the environmental panel?

18 A. No.

19 Q. Looking back at your Page A-25 of
20 Northumberland, do you see any wetlands shown
21 at the -- in the border area of Lancaster and
22 Northumberland?

23 A. No.

24 Q. Are you --

1 A. And it really wouldn't have made a difference
2 as well because I was not relying on these maps
3 entirely to review what was along the corridor.

4 Q. But you were using these maps to show the
5 Subcommittee, intervenors and the public what
6 was along the right-of-way, weren't you?

7 A. We were using a consistent source of the
8 information. And unfortunately, the town did
9 not have a good, up-to-date, existing land use
10 map. So at the advice of the North Country
11 Council, we used the mosaic data from the State
12 and, of course, looked at other sources of
13 information to describe land use along the
14 corridor, as we've done in the report.

15 Q. Did you intend these maps to be helpful to
16 the Subcommittee or intervenors or the public
17 in understanding land uses along the
18 corridor?

19 A. I believe that they provide a general depiction
20 of the Project location within the community,
21 and that by using the map, along with the text,
22 they can get a good sense of prevailing land
23 uses along the corridor.

24 Q. If I looked at your map, along with your text

1 of Northumberland and Lancaster, would I know
2 that there's a wetlands complex there?

3 A. Perhaps not. And again, it's a state agency's
4 mosaic data that's been used, and we didn't
5 rely entirely on that. And as you can see, we
6 describe in great detail the land uses along
7 the corridor.

8 Q. In their wetlands materials submitted with
9 the Application, did Normandeau rely on
10 mosaic maps?

11 A. For wetlands, there was wetlands mapping done
12 by -- field mapping done by wetlands experts.
13 That level of effort really wasn't warranted
14 for land use, given the use of the information.
15 The idea is to look at a variety of sources and
16 to describe the prevailing land uses along the
17 right-of-way. And in this case, it's an
18 existing electric transmission right-of-way
19 representing, I believe, less than 1 percent of
20 land use in the community.

21 Q. So is it your opinion that it's more
22 important to have accurate maps if you're
23 doing wetlands work than it is for an orderly
24 development report?

1 A. Wetlands are used for state and federal
2 permitting, and there are very detailed
3 requirements associated with that. And as it
4 relates to this project, the SEC requires that
5 there be a description of prevailing land uses
6 along the corridor and the extent to which the
7 Project may affect those land uses. In this
8 case, it's following an existing corridor, and
9 there's no indication that it will affect
10 adjacent land uses.

11 Q. And is it your opinion that, because this is
12 following an existing corridor, the maps need
13 not be accurate?

14 A. I already answered that question.

15 Q. What was your answer?

16 A. My answer is that we used data from the New
17 Hampshire Department of Revenue Administration,
18 as recommended by the Regional Planning
19 Commission, and we did not rely entirely on
20 this map. It provides a general depiction of
21 the existing corridor within the community.
22 And there is a detailed, written description of
23 land use along the corridor.

24 Q. Your legend shows wetlands as being blue with

1 stripes. Are you aware that no wetlands,
2 using that blue with white stripes, are shown
3 on your maps of 23 municipalities?

4 A. Yeah, this is the New Hampshire Department of
5 Revenue Administration's map --

6 Q. Mr. Varney, I'll let you finish.

7 A. Go ahead. That's all right.

8 Q. For purposes of the SEC, why isn't this your
9 map?

10 A. Because it's a map that was produced by another
11 entity, and we're providing the source of that
12 mapping data.

13 Q. And you submitted it with your report. And
14 what it purports to state is on your map that
15 you submitted with your report; correct?

16 MR. NEEDLEMAN: Objection.

17 Asked and answered.

18 MR. REIMERS: I'll move on.

19 BY MR. REIMERS:

20 Q. My last question, actually, I don't think you
21 answered. Are you aware that wetlands, as
22 your legend indicates are shown, are not
23 shown on your maps of 23 municipalities?

24 MR. NEEDLEMAN: Objection.

1 Asked and answered.

2 CHAIRMAN HONIGBERG: You can
3 answer it again.

4 A. No. We reviewed the existing, prevailing land
5 uses along the corridor and described that in
6 this report.

7 BY MR. REIMERS:

8 Q. So your answer was "No"; is that right?

9 A. Yes.

10 Q. Whitefield is represented by counsel, so I'll
11 move on.

12 The next town on the proposed
13 right-of-way it's Dalton; correct?

14 A. Yes.

15 Q. And this is Page A-33 of your report, in your
16 Dalton section. Forest Lake State Park is in
17 Dalton, isn't it?

18 A. Yes.

19 Q. And the only mention of the Forest Lake State
20 Park in your report is, quote, "Forest Lake
21 is located in the southern portion of town
22 and includes seasonal cottages along the
23 shoreland and Forest Lake State Park, a
24 recreational area with a beach and picnic

1 areas"; correct?

2 A. Yes.

3 Q. Again, where on your map is Forest Lake State
4 Park?

5 A. It's not shown on the map. I believe that's
6 Burns Lake to the north.

7 Q. If I represented to you, would you agree that
8 it's not shown on the map?

9 A. If the map were continued in that direction, it
10 would show up. I've been to that lake and that
11 state park.

12 Q. A state park is a land use, isn't it?

13 A. It is, but it doesn't directly abut the
14 corridor. It's a significant distance,
15 actually, from the existing right-of-way. And
16 I have been to the park and looked from the
17 park across the lake. Heavily vegetated area.

18 Q. Forest Lake itself is in both Whitefield and
19 Dalton; correct?

20 A. Excuse me. Again?

21 Q. Forest Lake, not Forest Lake State Park, but
22 Forest Lake is in Whitefield and Dalton;
23 correct?

24 A. I believe so. I think of it as being in

1 Dalton. But yes, I think you're right.

2 Q. Okay. Let's look at your map, Page A-32. Do
3 you see Forest Lake on your map?

4 A. Yes.

5 Q. And where is it?

6 A. I believe it's the lake further -- I'd need to
7 have an enlargement of this. Multiple towns.

8 (Witness reviews document.)

9 A. As I said, I've been there and very familiar
10 with it. Very aware of the use.

11 Q. Do you see the map now that it's -- do you
12 see Forest Lake now that the map's enlarged?

13 A. Yes.

14 Q. And do you see at this point Forest Lake
15 State Park identified on your map?

16 A. No.

17 Q. None of your maps identify state parks;
18 correct?

19 A. On the mosaics, I don't believe that they do.
20 But I was well aware of it when I wrote this
21 report and considered the prevailing land uses
22 along the corridor.

23 Q. I just asked you, a few questions back,
24 whether a state park is a land use, and you

1 answered "Yes" and then went on to explain.

2 But are you aware of any of your maps that
3 show state park boundaries or label it?

4 A. It's been on several maps for the Project.
5 It's not on this, labeled on this particular
6 map. But I've seen numerous maps where it's
7 located and --

8 Q. So, state parks are a land use that you do
9 not address; correct?

10 A. Well, it's a recreational use, which we do
11 address. And based on this existing
12 right-of-way, and looking at Forest Lake State
13 Park, I didn't see any potential adverse effect
14 on those land uses. Again, it's a nice, small
15 lake with a state park, and it would continue
16 to serve as -- it would continue to be used in
17 a similar fashion after the Project is
18 constructed.

19 Q. In Whitefield, the Northern Pass would be --
20 would come less than a half-mile of Forest
21 Lake; is that correct?

22 A. Approximately, yes.

23 Q. We're looking at DeWan Map 09 Existing, which
24 is Appellant's Exhibit 1, Appendix 17.

1 A. Yes.

2 Q. Currently, users of Forest Lake appear to
3 have a visibility of one to five transmission
4 structures from a sliver of Forest Lake,
5 don't they?

6 A. Perhaps. I don't know. I didn't conduct the
7 visual assessments of the Project.

8 Q. Does this map of existing visibility show any
9 purple on Forest Lake?

10 A. No.

11 Q. Do you see a little sliver?

12 A. No.

13 Q. If the Northern Pass is built, users of the
14 entire -- users of almost all of Forest Lake
15 would view transmission line structures,
16 wouldn't they?

17 MR. NEEDLEMAN: Objection.

18 BY MR. REIMERS:

19 Q. If the Northern Pass is built, according to
20 Mr. DeWan's Map 09 Proposed, users of almost
21 all of Forest Lake would have a theoretical
22 visibility of the Northern Pass, wouldn't
23 they?

24 A. I don't know. I see light purple on this map.

1 I didn't conduct a visual assessment. But I'm
2 fully aware of the use of Forest Lake. And I
3 think that the Project, once constructed within
4 this existing right-of-way, will not affect the
5 continued use of Forest Lake State Park.

6 Q. You would agree that most of the lake in this
7 map is colored purple, wouldn't you?

8 A. Light purple, yes.

9 Q. Forest Lake State Park is used for swimming,
10 picnicking, mountain biking, fishing and
11 boating; correct?

12 A. Yes, yes.

13 Q. Are you aware that in its Petition to
14 Intervene, the Dalton Conservation Commission
15 expressed concern about the Northern Pass's
16 impact on recreational areas in town,
17 including Forest Lake?

18 A. Yes.

19 MR. IACOPINO: Sorry. What are
20 we looking at right now?

21 MR. REIMERS: We are looking
22 at... have we marked this? It's the Dalton
23 Conservation Commission 1/19/16 Petition to
24 Intervene. We can mark that as an exhibit.

1 Q. Looking back on -- strike that.

2 So were you aware that the Dalton
3 Conservation Commission had expressed concern
4 about Forest Lake State Park?

5 A. No, but I wouldn't be surprised that they
6 raised a concern and wanted to ensure that that
7 was carefully reviewed by the SEC as part of
8 this proceeding.

9 Q. And looking back at your map of existing land
10 uses in Dalton, like another one we looked
11 at, your map of Dalton doesn't contain any of
12 the colors suggested by the legend, does it?

13 A. The DRA is what it is.

14 Q. And this is the map that you --

15 A. And again, we didn't rely on simply that map.
16 We looked at a variety of mapping resources.

17 Q. Moving to the very end of the right-of-way,
18 after Deerfield, are you aware that
19 additional project improvements would occur
20 between Deerfield and Londonderry?

21 A. Some minor improvements, I believe, to some
22 existing structures.

23 Q. Neither your testimony nor your report
24 addresses the towns of Deerfield, Candia,

1 Raymond, Auburn, Chester, Derry or
2 Londonderry; correct?

3 A. Correct.

4 Q. Earlier, at a break, you were going to verify
5 the sentence in your report asserting that
6 25 percent of the right-of-way in Pittsburg
7 is underground. Did you have a chance to do
8 that?

9 A. I believe that's the correct number.

10 Q. So it's your testimony that 25 percent of the
11 right-of-way in Pittsburg would be
12 underground?

13 A. I believe my -- yeah, I believe my testimony
14 was that 0.7 miles was undergrounded within
15 Pittsburg.

16 Q. And you stand by your statement that that
17 represents 25 percent of the right-of-way?

18 A. I can check. I wasn't able to check at the
19 break.

20 Q. Understood. Thank you, Mr. Varney. I don't
21 have any further questions.

22 A. Thank you.

23 CHAIRMAN HONIGBERG: We'll take
24 five, ten minutes.

1 MR. VARNEY: Thank you.

2 (Whereupon a recess was taken at 11:25
3 a.m., and the hearing resumed at 11:44
4 a.m.)

5 CHAIRMAN HONIGBERG: Mr. Baker,
6 you may proceed.

7 MR. BAKER: Thank you, Mr.
8 Chairman.

9 CROSS-EXAMINATION

10 BY MR. BAKER:

11 Q. Good morning. My name is Bob Baker. I
12 represent four land owners, all of whom have
13 property in the region known as the Great
14 North Woods. Two of them have property in
15 Stewartstown, one of them has property in
16 Dummer, and one has property in Stark.

17 Very quickly. I understand you're from
18 Bow; is that correct?

19 A. Yes.

20 Q. What familiarity do you have with the Great
21 North Woods, other than as Eversource's
22 expert in this proceeding?

23 A. I was the Commissioner of the New Hampshire
24 Department of Environmental Services for 12

1 years, appointed by three governors, and also
2 served for a short while as Director of the
3 Office of State Planning. And prior to my work
4 with the State, I was head of two regional
5 planning commissions and worked with the other
6 regional planning commissions over the course
7 of our work, which included the North Country
8 Council.

9 Q. This is all in your resume; correct?

10 A. Yes.

11 Q. Yes. I'm more specifically interested in the
12 hands-on familiarity that you have with the
13 Great North Woods as a visitor or as a
14 traveler through the woods. Have you been
15 there very often?

16 A. Several times, yes.

17 Q. Now, this is other than as performing your
18 assignment in this matter.

19 A. Yes. I have some relatives north of the Notch
20 and several friends.

21 Q. Have you ever been in Dummer and Stark before
22 this assignment?

23 A. Yes, I have. Stark I remember quite well from
24 the PNGTS Project that was before the SEC. And

1 in Dummer, I was involved with Dummer and
2 certainly one of its residents relating to the
3 Pontook Reservoir there and as it relates to
4 the State Water Resources Council.

5 Q. So you're familiar with the fact that the
6 PNGTS project is co-located with a portion of
7 the Coos Loop through Dummer and Stark?

8 A. Yes.

9 Q. You're also familiar, then, with the views
10 from various vantage points in those towns.
11 And I'm not going to ask you about the one
12 that's on my screen. That's one of my
13 favorites. It's a screen saver. But we're
14 going to go to a couple and see if they're
15 familiar to you.

16 This is DNA Exhibit 21. This is a view
17 of the landscape in Dummer on one of my
18 client's properties. The name is Olson.

19 Now, I'm sure that you've not been
20 specifically on this property, or unlikely
21 that you've been. But would you say that
22 this is a relatively typical view of the
23 landscape that you see in the Great North
24 Woods?

1 A. Yes.

2 Q. And would you also agree that, except for a
3 little, tiny, wooden cross, a horizontal
4 piece just at the end of the red arrow, you
5 don't see any transmission lines in this
6 photograph?

7 A. No, I don't.

8 Q. Okay. And that would be quite typical of the
9 North Country landscape along the Coos Loop,
10 which the Applicants intend to use for this
11 project; correct?

12 A. Yes. And there are also distribution lines
13 that are along state highways as well
14 throughout the Great North Woods.

15 Q. When you say "distribution lines," you're
16 talking about distribution lines on single
17 poles with a cross member --

18 A. Yes.

19 Q. -- for local power. What's the typical
20 height of a distribution line? About 25,
21 30 feet?

22 A. Yeah, 35, 40 feet, something like that, yes.

23 Q. Well, the Coos Loop itself has -- this is the
24 transmission line. It's on structures that

1 are 40 to 45 feet high; correct?

2 A. Hmm-hmm. Yes.

3 Q. And the typical distribution line is somewhat
4 smaller than that?

5 A. Yes. And my only point was that structures are
6 a common sight throughout New Hampshire.

7 Q. And this is another photograph of the Olson
8 property in Dummer. This is DNA Exhibit 16.
9 And it shows the property on -- this is a
10 private country road, but it used to be a
11 public road before it was abandoned by the
12 Town of Dummer.

13 Would you agree with me that this also
14 is a typical photograph of a North Country
15 road in the Great North Woods, especially in
16 the Dummer area?

17 A. I think this could be in many parts of New
18 Hampshire.

19 Q. Okay. And how would you describe the
20 existing use of this property that you see in
21 this photograph?

22 A. I see some mowed lawn areas, open areas and
23 some wooded areas.

24 Q. You don't see any distribution or

1 transmission lines, do you?

2 A. Not from this exact point, no.

3 Q. Yeah. And there are many roads in the North
4 Country that you visited that would not have
5 distribution or transmission lines; correct?

6 A. There are many that do and there are some that
7 don't.

8 Q. What I'm showing you is Appellant's --
9 Applicant's Exhibit 1, Appendix 17, Page M-12
10 from the DeWan visual simulation package.
11 It's Bates stamped 14320, and it's a blow-up
12 of one corner of that document showing the
13 Applicant's engineers' sketches of what the
14 transmission towers proposed for Pittsburg,
15 Stewartstown and Clarksville would look like
16 as they cross the North Country landscape.
17 Does this look familiar to you?

18 A. It looks like a transmission structure.

19 Q. Okay. And are you -- are you prepared to
20 acknowledge that this is the lattice tower
21 structures that the Northern Pass proponents
22 plan to build across the 2.1 miles of
23 Pittsburg, that they will be above ground?

24 A. I don't recall.

1 Q. Would you be prepared to acknowledge that
2 these are the lattice towers that Northern
3 Pass plans to build in portions of
4 Stewartstown or Clarksville?

5 A. Yes, it looks similar to that. Yes.

6 Q. Now I'd like to follow up on a few things
7 that the Forest Society's lawyer asked you.

8 He asked you if the towers planned by
9 the Northern Pass proponents were consistent
10 with the current uses in Clarksville,
11 Stewartstown and Pittsburg, and I believe you
12 said that you thought they were.

13 A. Yes.

14 Q. And you thought that there was no difference
15 between these and the normal distribution
16 towers that you see on country roads up
17 there?

18 A. I don't believe I made that statement.

19 Q. Well, I think you said, and I wrote it down
20 in quotes, "It makes no difference to me,"
21 end quote. Do you recall that?

22 A. No.

23 Q. All right. We'll check the record on that.

24 But don't you agree that the

1 construction of towers as shown in
2 Applicant's Exhibit 1, Appendix 17, is going
3 to radically change the countryside of the
4 Great North Woods, including the towns where
5 my clients live or have property?

6 A. It would -- no, I do not believe that.

7 Q. And that's because there are existing
8 transmission structures there that look like
9 these?

10 A. No. It's because I don't have any evidence
11 that it would affect existing land uses and the
12 continued use for forestry or agriculture or
13 residential.

14 Q. Do you think that my clients, Josh and Eric
15 Olson, and Elaine Olson, with respect to
16 their property, would agree with you?

17 A. I can't speculate. But I would simply say that
18 the issue that you're focused on is a question
19 of visibility, and I am not the visual expert.

20 Q. Okay. That's fair enough. Let's follow-up
21 on another question that was asked by the
22 Forest Society's lawyer.

23 He asked you about the Beecher Falls
24 plant that you talked about. And you said

1 that that was only 0.3 miles from the
2 corridor of this transmission line coming in
3 from Canada into Pittsburg. Do you recall
4 that?

5 A. I believe so.

6 Q. And why did you flag the Beecher Falls Ethan
7 Allen plant there?

8 A. There are not many major manufacturing
9 facilities in the area. And it was also tied
10 in with the working forest uses that will
11 continue after this project is constructed.

12 Q. It's part of the same region, isn't it?

13 A. It's part of the North Country, yes.

14 Q. In fact, the kids in the schools in the North
15 Country go back and forth across the river
16 between Vermont and New Hampshire all the
17 time, don't they, to attend different schools
18 in that area?

19 A. Yes, there are some shared municipal services
20 in some of the border communities going as far
21 as down to the school district with Hanover and
22 Lebanon and across the river and --

23 Q. And you also mentioned there was a lumber
24 yard in East Hereford, just north of the

1 Beecher Falls plant, that is also near the
2 transmission line as it comes into Pittsburg
3 from Canada; is that correct?

4 A. Yes, I believe so.

5 Q. And is that part of the same region?

6 A. It's an area that was nearby, was a notable
7 manufacturing facility, which is fairly unusual
8 in the North Country.

9 Q. And directly behind that factory is Mount
10 Hereford, isn't it?

11 A. Yes.

12 Q. And are you familiar with how the Project is
13 going to come into Pittsburg from Canada if
14 it's built as proposed?

15 A. Yes.

16 Q. It's going to come across the south side of
17 Mount Hereford in view of the town of Canaan
18 and portions of Pittsburg and Clarksville,
19 isn't it?

20 A. Yes, it will.

21 Q. Okay. And you're familiar with the fact that
22 Neil Tillotson gave a very large grant of
23 property on Mount Hereford to the people of
24 Quebec with conservation easements on it?

1 A. I don't know the details, but I'm generally
2 aware of that, yes.

3 Q. So you're aware that the portion of Mount
4 Hereford that the Canadian project would
5 cross is subject to a conservation easement
6 on this land given by Mr. Tillotson?

7 A. I don't know the details. I can't speak to --

8 Q. You didn't mention any of that in your
9 report, did you?

10 MR. NEEDLEMAN: Objection.
11 Relevance.

12 MR. BAKER: He said it was part
13 of the region, and he flagged this plant right
14 next to this property on the Canadian side of
15 the border as defining a use of property in the
16 region.

17 CHAIRMAN HONIGBERG: And you
18 asked a bunch of questions about it. And so
19 what was the question -- the objection was just
20 to the last question; right?

21 MR. NEEDLEMAN: It was the
22 objection to questions about Canadian
23 conservation easements.

24 CHAIRMAN HONIGBERG: Okay.

1 MR. BAKER: Under the rules, and
2 I'll get to that in a minute, he is to describe
3 existing land uses in the region and how it
4 would impact -- how the Project would impact
5 that, either be consistent with it or different
6 than those. I'll put it up on the screen in a
7 second.

8 CHAIRMAN HONIGBERG: So,
9 Canadian uses, in your view, count.

10 MR. BAKER: Well, if Canadian
11 uses for purposes of defining commercial
12 activity in the region count, it seems to me
13 that you cannot have that and exclude the
14 existing uses that are next to that same
15 property.

16 CHAIRMAN HONIGBERG: Well, you
17 can proceed. We'll take it for what it's
18 worth.

19 BY MR. BAKER:

20 Q. Do you recall the question, sir? Okay. Let
21 me try it again. And this is the last
22 question on that subject.

23 Mount Hereford is, in part, subject to a
24 conservation easement placed on it by a donor

1 named Neil Tillotson; correct?

2 A. Yes.

3 Q. It's very close to the commercial logging
4 property or saw mill that you identified as
5 defining the region; correct?

6 A. I was describing some of the major employers
7 that were nearby.

8 Q. So, some of the property that's next to the
9 property you were describing is in
10 conservation; correct?

11 A. Apparently, yes.

12 Q. And it's forested; correct?

13 A. Apparently. Again, I didn't evaluate it.

14 And I would also note that in terms of
15 land use, that Pittsburg and Clarksville and
16 Stewartstown do not have zoning.

17 Q. Well, we'll get to that in a second.

18 A. Okay.

19 Q. One more follow-up question on the Forest
20 Society.

21 In your report, you made the statement
22 that the underground portion of the line in
23 Pittsburg was 25 percent of the total
24 corridor. Do you recall that?

1 A. It's 0.7 miles.

2 Q. Right. And did you look that up during the
3 break to see where that came from?

4 A. No, I didn't have time.

5 Q. Would it surprise you to learn that the
6 0.7 miles is the corridor underground portion
7 in both Pittsburg and Clarksville and not
8 just Pittsburg?

9 A. Yes. Probably, yes. I know it goes down Route
10 3.

11 Q. Okay. And if we did the math, would it make
12 any difference to you that the actual
13 underground distance in Pittsburg is about
14 12 percent of the total line and not 25?

15 A. No.

16 Q. Okay. I have in front of you the RSA on
17 orderly development of the region. And we've
18 looked at this before. I simply want you to
19 tell us how you have -- and you can do this
20 briefly -- how you have ascertained the views
21 of municipal and regional planning
22 commissions other than through written
23 documents. And I think you had interviews
24 with one or more of the employees of the

1 North Country Council; is that correct?

2 A. Yes.

3 Q. So it was written documents and North Country
4 Council interviews; correct?

5 A. For the Site Evaluation Committee, the rules
6 state that the Applicant shall include any
7 information about the views of local and
8 regional planning commissions and local
9 governing bodies, if in writing, along with the
10 Application.

11 Q. Well, what writings did you look at
12 specifically?

13 A. I believe I addressed this in the report, in
14 that I attended pre-Application meetings; I
15 reviewed information on the SEC's web site; and
16 I, of course, reviewed the Applicant's
17 Application.

18 Q. You did not interview any of the select
19 boards in Pittsburg, Clarksville,
20 Stewartstown, Dummer or Stark towns, did you?

21 A. No. The SEC rules do not require that. They
22 very clearly state that, if such views have
23 been expressed in writing, that it needs to be
24 included in the Application.

1 Q. Well, you're putting a gloss on that by
2 saying that it has to be expressed in writing
3 in the SEC proceedings, aren't you?

4 A. It just says "if views have been expressed in
5 writing."

6 Q. Right.

7 A. And it was prior to the submission of the
8 Application.

9 Q. Well, it doesn't say that it has to be in
10 connection with the Application, with respect
11 to the rule -- with respect to the statute,
12 does it?

13 MR. NEEDLEMAN: Objection.

14 CHAIRMAN HONIGBERG: Mr. Baker,
15 if you --

16 MR. BAKER: I'll withdraw the
17 question.

18 CHAIRMAN HONIGBERG: -- ask him
19 what he did and why he did it --

20 MR. BAKER: I can argue this. I
21 I understand, and I'll withdraw the question.
22 Thank you, Mr. Chair.

23 BY MR. BAKER:

24 Q. Did you go to any of the town clerks in the

1 five towns I've mentioned and ask them if
2 there's anything in writing expressing the
3 views of the town?

4 A. No.

5 Q. Did it occur to you to do that?

6 A. No.

7 MR. BAKER: Can we go to the
8 ELMO?

9 BY MR. BAKER:

10 Q. This is a document I've marked as CS 97. And
11 it will be submitted as an exhibit. And I'm
12 quite sure, based on your last response, you
13 have not seen this document before, have you?

14 (Witness reviews document.)

15 A. Not aware of it.

16 Q. Okay. We'll ask other witnesses about this
17 document a little bit later. But I would
18 submit to you, sir, that this is the type of
19 document you might have found if you'd gone
20 to the town clerk of Pittsburg and made a
21 request for anything relating to the Northern
22 Pass. You agree that this might have been
23 produced to you?

24 A. It may have, it may not have. My experience

1 with local town offices is that you can't
2 assume that they will know about everything
3 that's happened.

4 MR. IACOPINO: Mr. Baker, are
5 these exhibits you're showing him marked at
6 this point?

7 MR. BAKER: They have been
8 marked, but they have not been put up on the
9 ShareFile site due to a --

10 MR. IACOPINO: Can you identify
11 them for us?

12 MR. BAKER: Yes. The one that
13 was just up was CS 97, and the one that's up
14 now is CS 99.

15 MR. IACOPINO: Thank you.

16 BY MR. BAKER:

17 Q. Do you see CS 99, sir?

18 A. Yes.

19 Q. Have you seen that document before?

20 A. I may have. I'm aware that several towns had
21 town meeting votes to oppose the Project as
22 proposed.

23 Q. And why didn't you include in your report the
24 votes that were taken by these towns?

1 A. That was not part of my role in looking at land
2 use --

3 Q. Well, the --

4 A. -- or right-of-way.

5 Q. The votes are all published in the minutes of
6 the town meetings, aren't they?

7 A. Yes, and I reviewed any information that had
8 been collected by the outreach staff for
9 Eversource who were tracking town votes or
10 related information.

11 Q. But you didn't include that in your report,
12 did you?

13 A. No. I spoke that I was aware that there were
14 concerns, and I attended several meetings in
15 which statements of concern were expressed at
16 the meetings.

17 Q. Well, this is a document from the Town of
18 Stewartstown showing a town vote on a
19 directive directing the Town to oppose the
20 Northern Pass, isn't it?

21 A. Yes, this was for the earlier version of the
22 Project, I believe.

23 Q. Right. And would you agree that your report
24 makes no mention of this document?

1 A. Not specifically, but I do recognize and have
2 made it very clear that I'm aware of municipal
3 concerns that have been expressed.

4 Q. And this document is a writing; is it not?

5 A. Yes.

6 Q. Okay. In fact, this was filed with the SEC.
7 I believe it's on the Comment page online.
8 Would you agree with that?

9 A. Probably. And if so, then I read it because
10 it's consistent with some other similar votes.

11 Q. Let's turn now to the North Country Council
12 for just a few minutes.

13 In your report, you mentioned a couple
14 of meetings you had with the North Country
15 Council. And you mentioned, among other
16 things, that the North Country Council, in
17 2014, published its regional plan; is that
18 correct?

19 A. Yes.

20 Q. And am I using the correct terminology, the
21 "regional plan"?

22 A. Yes.

23 Q. Do you have your copy of that regional plan
24 with you?

1 A. Not with me, no.

2 Q. Okay. Do you recall reading in that regional
3 plan that the North Country Council Board of
4 Directors had taken a vote to oppose the
5 Northern Pass?

6 A. Yes.

7 Q. Why didn't you include that in your report?

8 A. I believe that occurred after the Application
9 was submitted.

10 Q. But you updated your testimony, didn't you?

11 A. Yes.

12 Q. And you updated some of your reports;
13 correct?

14 A. Yes, including the 2014 plan that all of the
15 regions developed.

16 Q. Right. And the North Country Board of
17 Directors resolution on Northern Pass was
18 done when? Do you recall?

19 A. This one was back in 2010.

20 Q. Well, let's try February 23rd, 2011. And
21 I'll put that on the screen.

22 The document on the screen has been
23 marked CS 101. Do you recognize this, sir?

24 A. Yes.

1 Q. Why isn't that in your report?

2 A. I believe that it may have been. I would need
3 to look.

4 Q. Well, we can ascertain that by reviewing the
5 report --

6 A. I was --

7 Q. -- would you agree?

8 A. Yes, as well as other working documents that
9 may have been provided.

10 Q. Yeah. And the North Country Council Board of
11 Directors didn't just take this position
12 based on their own subjective feelings, did
13 they?

14 A. No, it was a survey that was undertaken. And I
15 spoke with Michael King, who was the executive
16 director at that time, about it. And it was a
17 very simple survey that was conducted about
18 opposing the Project as proposed at that time.

19 Q. Did you ask for a copy of the Northern Pass
20 survey results that were obtained by the
21 North Country Council?

22 A. I believe I reviewed them online on their web
23 site at the time. I'm not sure if it's still
24 there. But I observed it on their web site. I

1 looked through the web sites of all the
2 regional planning commissions.

3 Q. Right. And part of your job is to ascertain
4 the position of regional planning
5 commissions, isn't it?

6 A. Yes.

7 Q. Did you feel it was not important to have the
8 survey results mentioned in your report?

9 A. Again, I can't recall to what extent there was
10 a discussion of this vote. But concerns about
11 the Project from the North Country Council are
12 discussed in some detail in the report.

13 Q. For the --

14 A. And of course, this was taken before the
15 Project was revised with significantly more
16 undergrounding, and was well in advance of the
17 current proposal that was announced in the
18 summer of 2015, I believe.

19 Q. All right. But you didn't explain any of
20 that in your report, did you?

21 A. Again, I'm aware that there was a resolution --
22 a survey done, and it was related to the prior
23 proposal. And I focused primarily on the North
24 Country Council's 2014 plan, as well as the

1 letter that they submitted later on.

2 Q. Now, you mentioned earlier that the towns
3 where my clients live and the towns that
4 we've been talking about, Clarksville,
5 Pittsburg, Stewartstown, Dummer, Stark, they
6 don't have a planning board, do they?

7 A. I believe Dummer does. I don't know if it's
8 been -- some have been abolished. For example,
9 in Pittsburg, they developed a master plan in
10 1992, which then led, two years later, to
11 having the town abolish the planning board and
12 eliminate their subdivision regulations in the
13 town of Pittsburg.

14 I believe that Clarksville and
15 Stewartstown don't have zoning. Dummer has
16 zoning. It's a single zone, I believe. So
17 they changed their zoning recently. In fact,
18 we had a little bit of confusion about that,
19 because when one of our staff checked with
20 the town office about that, we were told that
21 it had been abolished, by the person in the
22 town, and it turned out that it wasn't
23 abolished. A large number of zoning
24 districts were abolished, and it's a single

1 town ordinance, so to speak.

2 Q. All right. Is it fair to say that the select
3 boards that serve these towns are generally
4 unpaid?

5 A. Unpaid? Yes.

6 Q. And they're volunteers.

7 A. Yes.

8 Q. And when they need to get guidance from the
9 town, they do it at town meeting every year,
10 don't they?

11 A. Well, they have meetings throughout the year as
12 well, not simply the town meeting. But they,
13 you know, usually meet on a bi-weekly or
14 monthly basis.

15 Q. When a town needs to have its budget
16 approved, who approves that?

17 A. Usually goes through a budget committee and
18 then is voted on at town meeting.

19 Q. So it's the voters in town --

20 A. Yes.

21 Q. -- they're the primary authority for what the
22 town spends; correct?

23 A. Yes.

24 Q. Okay. And so when the town voters assemble

1 and vote that they want to oppose the
2 Northern Pass, aren't they the municipal
3 authority that's directing the select board
4 what to do?

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

7 MR. BAKER: I think it's a
8 question that any New Hampshire resident can
9 understand: Who's the ultimate authority in
10 town, if you know? That's not a legal
11 conclusion.

12 MR. NEEDLEMAN: It's a legal
13 argument in the context of these requirements.

14 CHAIRMAN HONIGBERG: It is
15 clearly a legal argument. Now, whether it's an
16 unfair question or not, I don't know. But when
17 the legislative body of a town speaks, the
18 legislative body of a town has spoken. If
19 there's significance to that, you can argue
20 that. But I'm not sure what it is you want to
21 know from him about that.

22 MR. BAKER: I simply want the
23 witness to acknowledge, if he can, that the
24 highest authority in the town is the town

1 meeting and the voters who approve actions in
2 the town.

3 CHAIRMAN HONIGBERG: And that is
4 absolutely a legal argument. You can ask him
5 that question. You understand you're asking
6 him for a legal conclusion; right?

7 MR. BAKER: Yes, I understand
8 that part of it.

9 BY MR. BAKER:

10 Q. Can you respond to that question, sir?

11 A. That the town meeting voters adopt an annual
12 budget.

13 Q. And when the town meeting is not in session,
14 then the select board is the ultimate primary
15 authority; is that correct?

16 A. Unless they need a special town meeting.

17 Q. Okay. I'm just going to put up -- we talked
18 about the -- we'd gone off the subject, and
19 it's my fault -- the North Country Council
20 survey, and I want to put that up. It's
21 CS 102.

22 MR. IACOPINO: Mr. Baker, is
23 this CS 102 a document you actually got from
24 North Country Council?

1 MR. BAKER: It is.

2 MR. IACOPINO: Thank you.

3 BY MR. BAKER:

4 Q. Showing you CS 102. Is this the survey that
5 you previously saw?

6 A. Yes, I believe so.

7 Q. Okay. And I'd simply like you to note that
8 the mostly negative responses on Northern
9 Pass, in the second column at the bottom,
10 total 359, and the mostly positive responses
11 total 29. Would you agree that that's what
12 the survey results were that caused the North
13 Country Council Board to issue its statement
14 opposing the Northern Pass?

15 A. I don't know what led them to issue their
16 statement and what kind of discussions they had
17 after the survey, but this appears to be a
18 tabulation of the survey results on a number of
19 subjects.

20 Q. Thank you. I have no further questions.

21 MR. IACOPINO: Can I ask Mr.
22 Baker a question?

23 I have the same question for
24 you, sir, with CS 97, CS 99 and CS 101. Were

1 those documents actually obtained from the
2 Town?

3 MR. BAKER: CS 97 came from the
4 town. CS 99 came from this Committee's web
5 site in the Comments. CS 101 was the next one?

6 MR. IACOPINO: Yes.

7 MR. BAKER: That came from the
8 North Country Council.

9 MR. IACOPINO: Thank you.

10 MR. BAKER: Any others? I'm
11 sorry.

12 MR. IACOPINO: No.

13 MR. BAKER: Okay.

14 CHAIRMAN HONIGBERG: All right.

15 I understand that Ms. Menard is going to come
16 next. My understanding is Ms. Menard is asking
17 questions about outreach with landowners;
18 "conservation use," in quotation marks;
19 easement effect on property values; commercial
20 and future uses; existing use of the corridor,
21 and the Chalmers report. And then Ms.
22 Bradbury, who is also in the same Deerfield
23 Group, will be asking questions about different
24 topics, but I don't have that list.

1 Ms. Menard, you may proceed
2 when ready.

3 CROSS-EXAMINATION

4 BY MS. MENARD:

5 Q. Good afternoon, Mr. Varney.

6 A. Good afternoon.

7 Q. Were you involved in the first Northern Pass
8 landowner outreach effort in order to obtain
9 an easement to widen the right-of-way?

10 A. No, I don't believe so.

11 Q. So you didn't go to any of the meetings with
12 the individual landowners?

13 A. No. I heard reports or comments from some who
14 did, but I was not there personally.

15 Q. Okay. Was Mr. True working for Normandeau at
16 the time that some of these outreach meetings
17 were taking place in 2011 and 2012?

18 A. No, he's never been an employee of Normandeau.

19 Q. Okay. Thank you.

20 Do you know how wide that Northern Pass
21 was seeking to expand the existing
22 right-of-way?

23 A. No, I don't know.

24 Q. I'd like to move on to the next topic, and

1 that is, you state that the use of the
2 right-of-way predates conservation use;
3 correct?

4 A. In many instances, not necessarily in all
5 instances. But in many instances it predates
6 the uses that are there now. For example,
7 there may have been a transmission line
8 corridor and a transmission line in place;
9 subsequent to that someone built a home, and
10 maybe after that someone bought the home. And
11 so there are, in some cases, a pre-existing use
12 of the corridor. And there are land uses that
13 may evolve over time from a development
14 standpoint, and there may also be some parcels
15 that are pre-existing residential. There may
16 be pre-existing conservation lands, or
17 conservation lands may be established with the
18 line already in place.

19 Q. Would you agree that planned forest
20 management is evidence of conservation
21 efforts, in the sense that a property owner
22 has demonstrated wishing to hire professional
23 foresters and develop the property with
24 procedures that are recognized as good

1 management practices, that that would be
2 considered evidence of a conservation-minded
3 landowner?

4 A. Perhaps.

5 Q. You agree that landowners may have been
6 practicing conservation, sound conservation
7 practices even though their land wasn't under
8 a conservation easement?

9 A. Yes.

10 Q. In your testimony, do you have evidence that
11 supports your assertion that the use of the
12 NPT corridor predates conservation land uses?

13 A. That there are conservation lands throughout
14 New Hampshire that evolve or are created as
15 formal conservation land in proximity to an
16 existing right-of-way. And if I were to look,
17 there'd be dozens of examples.

18 Q. So your statement of the use of the
19 right-of-way predating conservation easements
20 is more of a general summary comment that
21 you --

22 A. A general note in terms of compatibility of
23 land use, that there have been many instances,
24 and there are many, many examples of uses being

1 established with the full knowledge that there
2 was a utility right-of-way there. And in some
3 cases, that utility right-of-way existed prior
4 to the construction of a home or the
5 designation of a parcel of land for
6 conservation.

7 Q. But in terms of creating a benchmark for your
8 statement and supporting your statement, do
9 you have any evidence that would disprove a
10 sense that maybe there was more conservation
11 activities taking place, you know, along the
12 route, as opposed to your assumption or
13 assertion that it's the other way around?
14 That's the point I'm trying to get at.

15 A. Yeah. Again, I think I've stated fairly
16 clearly that there are many conservation lands
17 that were established in proximity to an
18 existing utility corridor, an existing utility
19 right-of-way. And there are many land uses
20 that exist today that were established after a
21 line was already in place, and there are other
22 instances in which it was the reverse.

23 Q. Moving on to just two questions about the
24 buried utility easement. Yesterday, Attorney

1 Pappas was questioning you with regards to a
2 buried easement interfering with development
3 opportunities for a property owner. My
4 questions relate to the fact that you agree
5 that Mr. Chalmers' report does not address
6 property value effects in the areas where the
7 Project is to be buried. Correct?

8 A. I believe so, yes.

9 Q. Can you offer an opinion about market value
10 effects of a high-voltage utility easement
11 encumbrance that may result in a private
12 property now having an easement encumbered
13 upon their property?

14 A. No.

15 Q. I'd like to ask you a few questions about my
16 family's commercial property located in
17 Deerfield. And for illustrative purposes, I
18 took the -- this map is from the Nottingham
19 Road Rural Historic District file. And I
20 will look up the number to place on it. And
21 this is, for just brief background, you can
22 see Nottingham Road, and there's a cluster of
23 some commercial buildings. And this is about
24 40,000 square feet of commercial buildings,

1 but we'll just show you two pictures so you
2 have a mind's eye of what's out back here on
3 this property. These were constructed
4 starting in the '50s. There's three sets of
5 buildings.

6 MS. MENARD: And you can go on
7 to the next picture.

8 BY MS. MENARD:

9 Q. And once again, these are photos from the
10 historic file on the Deerfield Parade area.
11 And in the background, on the top picture is
12 Pawtuckaway Mountain; hence, the name of this
13 facility, Pawtuckaway View. It was
14 originally the PK Lindsay Company.

15 You agree that Mr. Chalmers did not
16 study commercial properties in his New
17 Hampshire case studies?

18 A. Yes.

19 Q. And that his conclusion was that the proposed
20 Northern Pass Transmission Project would have
21 no measurable impact on the value of
22 commercial property; correct?

23 A. I believe it was commercial and industrial.

24 Q. Yes.

1 A. Yes, I read that.

2 Q. Okay. Do you agree that the master plan
3 vision guides future land use decisions?

4 A. Yes.

5 Q. You agree that future uses of properties may
6 be different than the prevailing use?

7 A. That land uses could change at some point in
8 time, yes.

9 Q. Are you familiar with the term "re-purposing"
10 buildings --

11 A. Yes.

12 Q. -- such as converting mill buildings to
13 residential, et cetera?

14 A. Or residential to offices, yes.

15 Q. Okay. In your land use analysis, how did you
16 identify the commercial properties?

17 A. Combination of looking at existing land use
18 maps, reading the town master plan, and driving
19 the route as best I could without infringing on
20 anyone's private property.

21 Q. Did you identify this Deerfield commercial
22 property? The address is 63 Nottingham Road.

23 A. I can't recall. It was a couple years ago.

24 Not sure.

1 Q. Is your conclusion the same as Mr. Chalmers,
2 that Northern Pass would have no measurable
3 impact on the value of a property like
4 63 Nottingham Road?

5 A. I'm not aware of anything that would suggest
6 otherwise.

7 Q. Okay. I'm going to move on to another topic
8 that has to do with the section of
9 right-of-way in Deerfield that is, as you're
10 aware, composed of two 100-foot sections.

11 You would agree that concerns about
12 right-of-way development impacts in the 1920s
13 and 1950s were likely different than the
14 development impacts being discussed today?

15 A. I'm not sure I could conclude that. I'd need
16 to look at it further.

17 Q. You would agree that in Deerfield, the
18 development of the second 1950s right-of-way,
19 which was a 115 kV line, what was being
20 proposed was similar in size and style to
21 that of the existing 1920s corridor? Would
22 you agree with that?

23 A. The question, though, was what?

24 Q. The question is: Was there a similar -- when

1 people were hearing about and planning for
2 the second introduction of a project on a new
3 corridor, it was similar to what they were
4 used to?

5 A. I don't know.

6 Q. Well, I'll just ask you. Do you think that
7 the Deerfield Planning Boards in the '60s and
8 '70s, and I can't -- and I don't know if
9 there were planning boards, if that's what
10 they were called. So let's just assume there
11 was some. Can we assume that there was
12 Deerfield involvement in being aware of the
13 this new right-of-way coming through town?
14 Do you think that they were envisioning or
15 had any reason to anticipate a future
16 doubling of pole height and structure style
17 changes?

18 MR. NEEDLEMAN: Objection.
19 Calls for speculation.

20 CHAIRMAN HONIGBERG: Ms. Menard.

21 MS. MENARD: Well, Mr. Varney's
22 a land use planner. And I think it's more than
23 a curiosity question to understand if we're
24 wrestling with decisions about a project today

1 and he's relying on existing uses and change of
2 uses. That depends on understanding how people
3 got to where they have got. And I would
4 imagine that --

5 CHAIRMAN HONIGBERG: I'm sorry.
6 You've just argued for why you should be able
7 to look back to get an explanation of how
8 people got to where they are. But I think the
9 question asked him to look forward, didn't it?

10 MS. MENARD: I'm actually going
11 to get to that point. His testimony does go
12 back. In fact, it's a major cornerstone of his
13 argument.

14 CHAIRMAN HONIGBERG: I may have
15 misunderstood the question. Can you reread the
16 question?

17 MS. MENARD: Yes.

18 BY MS. MENARD:

19 Q. Do you believe that people who were in a
20 position of commenting, deliberating, making
21 decisions for a municipal town like Deerfield
22 had any idea, had any vision of a future
23 project that would be doubling in size?

24 CHAIRMAN HONIGBERG: Yeah, that

1 definitely calls for speculation.

2 MS. MENARD: Okay.

3 BY MS. MENARD:

4 Q. So you can imagine that. You don't know the
5 answer --

6 A. My answer would be that I can't speculate on
7 that.

8 Q. Okay.

9 A. Been waiting to give that answer, but
10 everyone's given it for me. That was off the
11 record, by the way.

12 CHAIRMAN HONIGBERG: Sorry. You
13 don't get to make those decisions.

14 BY MS. MENARD:

15 Q. So your continued use argument goes back in
16 time, but does not contemplate the next
17 proposed project which may happen in 50
18 years; correct?

19 A. In my report, I was simply pointing out that
20 there are many transmission lines in the state
21 that have existed for a very long time. And I
22 think, also, that there is a general assumption
23 with those involved in planning and development
24 that there will be increased use over time,

1 that the town will have additional growth in
2 residences and businesses, that there will
3 potentially be growth in their utility needs to
4 serve the town and the region, and that their
5 roadways are likely to carry more traffic and
6 may need to be upgraded over time to serve that
7 need as well.

8 So, again, I can't speculate what was in
9 their minds in any community back in those --
10 in that time frame, but I was simply pointing
11 out a fact that is one of many
12 considerations.

13 Q. In your answer just now, you stated that it
14 is to be assumed that planning boards
15 anticipate future growth of an easement.
16 What's the evidence of that?

17 A. Based on my experience in working with many
18 towns and having read, even for this project,
19 about 50 master plans, they all assume that
20 there will be growth and development taking
21 place in the future.

22 Q. We assume that today; correct? So you're
23 reading master plans, and you have access to,
24 again, information as to how things develop

1 that potentially goes back, what, 30 years or
2 so? Is that fair? Or 40 years maybe?

3 A. You can pick any time frame you'd like. Some
4 go back further.

5 Q. Okay.

6 CHAIRMAN HONIGBERG: Ms. Menard,
7 we're going to need to wrap up in five minutes
8 or so.

9 MS. MENARD: Okay.

10 BY MS. MENARD:

11 Q. So continued use does not necessarily
12 guarantee future use; correct?

13 A. There's a potential for future uses to change
14 over time. And the work on land use is to look
15 at prevailing land uses -- this is according to
16 the SEC requirements -- prevailing uses along
17 the Project corridor, and then to look at the
18 extent to which they will affect the continued
19 uses of those properties.

20 Q. Okay. And my last topic is regarding some
21 questions about Mr. Chalmers. And in
22 response to a question yesterday from Mr.
23 Reimers, you considered Mr. Chalmers' report
24 well done; correct?

1 A. Yes.

2 Q. Are you familiar with the methodology used in
3 his report?

4 A. Generally speaking.

5 Q. Do you know if this methodology outlined was
6 actually followed?

7 A. I didn't conduct an evaluation of protocols
8 that were carried out in the conduct of
9 developing information for his report, no. I
10 read the final report and his prefiled
11 testimony and supplemental testimony.

12 Q. You agree that you testified that you found
13 Mr. Chalmers' work to be accurate.

14 A. I found it to be well done. And I'm sure, with
15 any major effort, there may have been some
16 errors occasionally. But overall, his body of
17 work on this effort was, in my view, very well
18 done, very informative, very interesting. And
19 also, I think he was very sincere and honest in
20 how he expressed the concerns that property
21 owners may have and then how the data may not
22 correspond to that.

23 Q. Yesterday you used the word "accurate."

24 Today you did not use the word "accurate."

1 A. Well, I'm using it in a general sense. I don't
2 recall using "accurate." I may have said that.
3 But it would have been in a general context, in
4 that it provided much more level of detail than
5 I had seen in prior SEC proceedings.

6 Q. So we've established that you're not a real
7 estate expert; correct?

8 A. Correct.

9 Q. And if I handed you one of his case studies,
10 could you read it and verify the accuracy?

11 A. I'd need to go out and do my own independent
12 research to verify that. So I relied on his
13 overall opinions and overall conclusions
14 regarding effect on property values.

15 Q. Did Mr. Chalmers provide any
16 post-construction studies or reports to
17 reflect that the Northern Pass Project might
18 affect properties along the route?

19 A. I don't believe so, other than the extent to --
20 that there was not -- that he conducted a
21 literature search and that his findings
22 appeared to be consistent with the literature
23 search that he conducted, which is explained in
24 his testimony.

1 Q. In Mr. Chalmers' report, do you know how many
2 times there's a reference to "Northern Pass
3 Transmission"?

4 A. No, I certainly didn't count them.

5 Q. I'll represent to you that "Northern Pass
6 Transmission," if you did a word search of
7 his 1700-page document, zero uses; "NPT,"
8 letters N-P-T, is used five times; and
9 "Northern Pass" is used two times.

10 So my last question is: If Mr. Chalmers
11 did not study individual project effects on
12 individual real estate markets in New
13 Hampshire, nor regional markets in New
14 Hampshire, do you agree that his report
15 doesn't go into details regarding individual
16 markets or individual communities?

17 A. It was regional markets that he spoke to. But
18 he conducted subdivision studies and the like
19 as well.

20 Q. I'd like to just put up the transcript to
21 help me get to my last question.

22 Would you be able -- because I can't see
23 this far, would you be able to read that for
24 us, the underlined section?

1 A. It says it didn't address the issue of the
2 impact of the Project on local --

3 CHAIRMAN HONIGBERG: Slow down,
4 slow down.

5 A. I'm sorry. It didn't address the issue of the
6 impact of the Project on local and regional
7 real estate markets. It was addressing the
8 issue of the effect of high-voltage
9 transmission lines on residential, primarily on
10 residential real estate values, as a general
11 issue of research.

12 Q. So we have -- my question is not to create a
13 list of all the things that Mr. Chalmers
14 didn't study. I would like to get to the
15 essence of what Mr. Chalmers did study. And
16 my concern is to what degree did Mr. Chalmers
17 study or provide evidence of the effects of
18 Northern Pass Transmission on New Hampshire
19 property values.

20 MR. NEEDLEMAN: Mr. Chairman, I
21 object. Mr. Chalmers testified extensively,
22 and all his documents are in the record. They
23 all speak for themselves on this issue.

24 CHAIRMAN HONIGBERG: Ms. Menard.

1 MS. MENARD: But Mr. Varney is
2 representing that he relied on Mr. Chalmers'
3 report, and he has a responsibility to -- his
4 part of his testimony similarly is rendering an
5 opinion of Project effects on property values.
6 So, can I clarify the question to get --

7 CHAIRMAN HONIGBERG: Give it a
8 whirl. Whoa, whoa, I want a clarified
9 question.

10 MS. MENARD: He's nodding, and I
11 think he understands what I'm after.

12 CHAIRMAN HONIGBERG: Yeah, and I
13 think -- I was prepared to sustain the
14 objection and not let you ask --

15 MS. MENARD: Thank you. I
16 will --

17 CHAIRMAN HONIGBERG: No, no, no,
18 not let him answer the question that you asked.
19 He apparently wants to answer the question, but
20 there's a pending objection that seems to me to
21 be a valid one. So I would prefer that you try
22 to rephrase the question.

23 MS. MENARD: I will try.

24 CHAIRMAN HONIGBERG: That's

1 directed at you, Ms. Menard, to rephrase the
2 question.

3 MS. MENARD: Yes, I'm thinking.
4 Is that allowed?

5 MR. NEEDLEMAN: Could we maybe
6 break here to get Mr. Varney out, and maybe Ms.
7 Menard could think about her question?

8 CHAIRMAN HONIGBERG: Off the
9 record.

10 (Discussion off the record).

11 CHAIRMAN HONIGBERG: All right.

12 MS. MENARD: I will rephrase the
13 question.

14 BY MS. MENARD:

15 Q. Are you all set, Mr. Varney --

16 A. Yes.

17 Q. -- or would you prefer to move on?

18 A. Yes. Go ahead. If you could just ask the
19 question, I'll try to answer it.

20 Q. Okay. The question is: From a property
21 value perspective, what evidence do we have,
22 either from Mr. Chalmers' report or from you,
23 to address Northern Pass Transmission
24 Project's effect on property values in New

1 Hampshire?

2 A. Mr. Chalmers' report does look at the potential
3 effect of property values associated with a
4 transmission line, whether it be this project
5 or another transmission line in New
6 Hampshire --

7 Q. Excuse me. Mr. Varney, may I interrupt?

8 A. Yes.

9 Q. I'm concerned -- I'm not here to talk about
10 115 kV line impacts on property values. I'm
11 here to talk about the Northern Pass
12 Transmission impact on property values. In
13 either Chalmers' report, which I led to that
14 question with, post-construction, that
15 would -- that's probably the closest thing
16 we're going to get to -- where is there
17 information for the Committee to consider
18 regarding Northern Pass Transmission Project
19 impacts on property values?

20 A. In his prefiled and supplemental testimony and
21 his reports.

22 Q. Okay. Thank you.

23 A. Thank you.

24 CHAIRMAN HONIGBERG: All right.

1 We will break for the day and resume on
2 Thursday.

3 (Whereupon the Day 36 Morning
4 Session was adjourned at 12:51
5 p.m., with NO DAY 36 Afternoon Session,
6 and the Day 37 hearing to resume
7 on September 20, 2017
8 commencing at 9:00 a.m.)
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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
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forth, to the best of my skill and ability
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I further certify that I am neither
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counsel employed in this case, nor am I
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