STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

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

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

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

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

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

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

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# [WITNESS: VARNEY]

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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
addressed this yesterday.

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

CHAIRMAN HONIGBERG: You can answer.

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

BY MR. REIMERS:

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

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

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

A. My opinion was based on the Project as a whole.
Q. So your opinion is that, if impacts are minimized on one part of the Project, that that does have a relation to the impacts in another part of the Project?

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

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

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

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

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

Q. If you had a place where there would be a significant impact, is it your opinion that that impact would be diluted if you just --
given the length of the Project?

A. I can't speculate on that.

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

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

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

A. Right.

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

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

A. Yes.

Q. And the underground portion consists of 3.1 acres?

A. Approximately.

Q. You then state, "In Pittsburg, approximately
25 percent of the route is underground"; correct?

A. Yes.

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

(Witness reviews document.)

A. Yes.

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

A. Yes.

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

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

(Witness reviews document.)

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

Q. So is your statement that 25 percent of the
right-of-way in Pittsburg would be underground accurate?

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

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

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

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

CHAIRMAN HONIGBERG: Mr. Needleman.

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

MR. REIMERS: Thanks.

BY MR. REIMERS:

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

A. Yes.

Q. And in this area, oxbows of Hall Stream form
the international border, don't they?

A. Yes.

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

A. Yes.

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

A. Yes.

Q. So it's not in Stewartstown?

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

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

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

Q. Right. That is in Canaan, Vermont.

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

Q. Right. Wouldn't it be the Committee's
determination whether that's important?
A. Perhaps, yes.
Q. Okay.
A. I'm providing my opinion.
Q. You would agree that this statement is inaccurate, isn't it?
A. Perhaps. I'd need to check it.
Q. We're looking at SPNF 247 which shows a web site showing the Ethan Allen Furniture Factory, the Beecher Falls Division. Is Beecher Falls part of Canaan?
A. Yes -- oh, no. Yes, it is. Yes.
Q. Okay. And --
A. I thought you were going to Stewartstown.
Q. And that shows the address. Do you have any reason to doubt this?
A. No. I would just say that there are sometimes more than one facility.
Q. You're not aware of one in the town of Stewartstown, are you?
A. I already explained that I would need to check. And the point is that it was providing some context for the location, some general context. It's not critical to me as to whether or not
that fact is exactly correct.

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

A. Yes.

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

A. I believe so.

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

A. I don't believe it says that.

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

A. No, it's not.

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

A. Yes.

Q. And Project Map 1 shows these homes, doesn't
it, along Halls Stream Road?

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

A. Yes.

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

A. I don't recall.

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

A. No.

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

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

Q. Understood. I'm asking you to look at other Applicant materials. And my question to you is: If the Northern Pass is built, transmission line structures would be visible along that area of Halls Stream Road from residential uses; is that correct?
A. Perhaps some at the crossing, in the vicinity of the crossing.

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

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

A. Yes.

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

A. Yes.

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

A. Do I see the words?

Q. Do you see the word "Clarksville" on the right?
A. Yes, yes.

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

A. Yes.

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

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

A. Yes.

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

A. No.

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

A. Generally, yes.

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

A. Correct.

Q. And if the Northern Pass is built, it would be visible from portions of the Washburn
Family Forest, wouldn't it?
A. I didn't conduct the visual assessment.
Q. Looking at Mr. DeWan's map here in the yellow box, do you see the purple coloring?
A. Yes.
Q. Does the purple coloring indicate the visibility of transmission structures?
A. Yes.
Q. So, looking at this map, would you agree that transmission line structures would be visible from parts of the Washburn Family Forest?
A. Potentially, and I don't know to what degree.
Q. So when you say "potentially," are you saying Mr. DeWan could be wrong?
A. No. I'm saying that I don't have an expert opinion on his map.
Q. A transmission line running 100 to 300 feet along much of the length of the Washburn Family Forest would result in this area being less rural and less forested, wouldn't it?
A. I don't know. I didn't conduct the Visual Impact Assessment.
Q. You would agree that clearing a new right-of-way would result in less forest
land, wouldn't you?

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

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

A. No.

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

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

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

A. It wouldn't change the population in the area. It would -- I really don't have a strong opinion on that. Transmission lines and power lines run on many of our roads in rural areas. They're still considered rural. And I wouldn't
call driving through a rural town that has transmission structures and conductors to be less rural because of that.

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

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

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

A. I assume so. Probably.

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

A. No.

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

A. Multiple sources of information.

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

A. I said we used multiple sources of information.

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

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

Q. Are you aware that 17 of the 23 proposed towers in Clarksville would be 80 feet tall or taller?
A. No. I think 80 feet is close to the most common height in the area north of Dummer.

Q. What do you base that on?

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

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

A. Yes.

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

A. I didn't know their name.

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

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

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

A. Yes.

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

MR. NEEDLEMAN: Objection. Calls for speculation.

MR. REIMERS: I'll rephrase my question.

BY MR. REIMERS:

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

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

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

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

A. No, not yet.

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

A. Yes.

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

A. Yes.

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

A. Yes.

Q. And the larger one is Big Diamond Pond?

A. Yes.

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

A. I believe that's correct.

Q. And that's Mr. DeWan's map, Page A-9 of Applicant's Exhibit 1. And does that show the existing conditions? See on the bottom
22. Existing structures?
Q. Correct.
A. Yes.
Q. Existing visibility.
A. "Existing visible structures" it says, yes.
Q. And according to Mr. DeWan's other map, users of both ponds would see the Northern Pass from almost all of each pond; is that correct?
A. I don't know.
Q. Do you see in this Map 02 Delta, that it is colored purple in most of those two ponds?
A. Yes.
Q. And looking back at the previous map, is there any purple in those ponds?
A. I don't see any.
Q. In your report, you don't mention the land uses of Little Diamond Pond or Big Diamond Pond, do you?
A. I mention the Coleman State Park that is north of the Project corridor.
Q. And yesterday we described -- we went through the three places in your report where you
mentioned Coleman State Park; right?

A. Yes, at a minimum.

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

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

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

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

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

A. What I was referring to is that I was well aware of Coleman State Park, that there may be additional references to it in the report or with other documents that I've been involved in. So if your question is: Was I aware that Coleman State Park was there? Did I consider
the fact that Little and Big Diamond Pond are there? Yes, I was aware of those, of those resources, and duly noted in the review of prevailing land use that it was -- that the Project ran south of Coleman State Park.

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

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

A. Yes.

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

A. Yes.

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

A. Yes.

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

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

A. Yes.

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

A. No.

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

A. Yes, that's...

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

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

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

Q. Well, looking at this Visual Impact Assessment that was submitted with the Application, would you trust that this accurately depicts what the view for those users of Little Diamond Pond would be if the Northern Pass were built?
A. I assume so, but I don't know if it's changed at all since the time it was submitted.

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

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

A. Yes.

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

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

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

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

(Witness reviews document.)

A. There it is.

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

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

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

A. Yes.

Q. It's partly within the park?

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

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

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

Q. And that view from Little Diamond Pond is looking towards the Sugar Hill area, isn't it?
A. I believe so, yes.

Q. So, given that the land in between the non-contiguous sections is undeveloped, and given that protection of that land would protect the view from Little Diamond Pond, wouldn't the orderly development of the region be for the land in between the two state parks to become part of the park?
someday?
A. I can't speculate on that.
Q. Why not?
A. I haven't conducted an assessment of whether that fits or not. There are a lot of factors, and I didn't make a judgment on that.
Q. Wouldn't the connection of the park's lands be more consistent with the orderly development of the region than a new, overhead transmission line hundreds of feet from the park and visible from Little Diamond Pond?

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

MR. REIMERS: Mr. Varney is an expert on orderly development. Orderly development of this region includes Coleman State Park. And I think it's a very fair question, where there's two non-contiguous sections. According to an expert on orderly development of a region, what would be more consistent with orderly development? That one
day the park could -- the two parts could come

together or that a transmission line would go

in between?

MR. NEEDLEMAN: This is

speculative and argumentative. If there's a

regional planning document or a local planning
document that you'd like to base these

questions on, that would be fair.

CHAIRMAN HONIGBERG: I don't

know... I don't know that he has an opinion on

this. Why don't you ask him if he has thought

about it. I mean, you're assuming that he has

an opinion, which may or may not be right.

BY MR. REIMERS:

Q. Okay. Have you thought about this?

A. No.

Q. So when you were reviewing this project, you

didn't think about whether a transmission

line going between those two portions of the

park might be less in keeping with the

orderly development than a transmission line?

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: Overruled.

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

BY MR. REIMERS:

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

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

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

A. Yes.

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

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

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

CHAIRMAN HONIGBERG: Mr. Reimers.

BY MR. REIMERS:

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

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

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

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

A. No.

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

A. No. I was not the visual expert.

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

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

Q. Would you characterize the statement, "There are few residences, many of which appear to have a moderate to dense tree cover buffer"
between houses and the right-of-way," end quote, to be a fact?

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

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

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

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

A. Yes.

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

A. It's talking about a historical perspective on how things have changed over time and some of the history of the town that was based on
manufacturing, mixed agriculture and
timber-related industries.

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

A. Yes.

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

A. No.

Q. The select boards further state, quote,
"Highly important, scenic, cultural and
historic areas of Pittsburg and Canaan, in
Vermont, would forever be changed" -- I'm
sorry -- "would forever be adversely changed
by the existence and dominance of this
commercial intrusion into the pastoral
landscapes surrounding the historically
important Pittsburg area known as the Indian Stream Republic; correct?

A. Yes.

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

A. No, I don't believe so.

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

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

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

A. I wouldn't make a judgment on it. I would say that the forest industry remains a very important part of the economy and that throughout New Hampshire there are some tourism
development properties that exist, and there
are a small number of residential properties
throughout along the route.

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

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

Q. Have you ever --

A. Simply stating their views.

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

A. No.

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

A. Yes.

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

A. Correct.

Q. The first plan on your list is the New
Hampshire State Development Plan 2000, isn't it?

A. Yes.

Q. This is the cover page; correct?

A. Yes.

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

A. Yes.

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

A. They are assets in the community. They're an important part of their heritage, yes.
Q. Both the planning document that you reviewed and the boards' letter both mention "sense of place," don't they?

(Witness reviews document.)

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

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

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

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

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

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

A. There was an expert who offered an opinion about tourism and the fact that the Project
will not adversely affect tourism along its --
in the area in which it's located.

Q. You don't dispute the importance that those
select boards put on Indian Stream Republic
and Coleman State Park, do you?
A. No.

Q. So after Stewartstown, the new overhead
right-of-way would enter Dixville; correct?
A. Hmm-hmm.

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

Q. And do you see that in that yellow box?
A. Yes.

Q. Nathan Pond is a remote, walk-in trout pond,
isn't it?
A. I believe so, yes.

Q. Do you see that on the --
A. Yes.

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

Are you aware that Nathan Pond is a
designated trout pond by New Hampshire Fish &
Game?
A. Yes.

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

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

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

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

A. Yes.

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

A. Yes.

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

A. Yes, I believe I did see that.

Q. That's SPNF 16.

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

A. Theoretically, perhaps.

Q. If the Northern Pass is built, users of parts
of Nathan Pond would see one to five structures; correct? Theoretically?
A. Perhaps. Again, I'm not the visual expert, so I don't want to...
Q. Look at this Map 02 Proposed. You see Nathan Pond, don't you?
A. Yes.
Q. And do you see that it's colored purple?
A. Yes.
Q. So if we look back at the prior Map 03 Existing, looking at Nathan Pond, is there any purple?
A. No.
Q. So, theoretically, users of Nathan Pond would see one to five structures; correct?
A. Potentially.
Q. When you say "potentially," what do you mean?
A. That I didn't conduct the Visual Impact Assessment of this project.
Q. So are you saying that you're relying on what I'm showing you of Mr. DeWan's work?
A. No.
Q. When you say "potentially," are you suggesting that they may not see these
structures?

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

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

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

Q. You can look at --

A. -- it probably is about that.

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

A. Again, probably.

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

A. Not in this report, no.

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

A. Yes, and I also describe the Nathan Pond Ride the Wilds ATV trail.
Q. So you describe the use of Mud Pond, and you state in your report that approximately one mile south of this location is Mud Pond, a forested, outdoor recreation spot that is managed as part of the Balsams Resort; correct?
A. Yes.

Q. And the Balsams Resort supports the Northern Pass Project, doesn't it?
A. Yes, I believe so.

Q. The Mud Pond is a mile away from the right-of-way, isn't it?
A. I think so, yes.

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

Q. Now, stepping back, overall in your methodology you focused on land uses and features in or adjacent to the right-of-way; correct?
A. I talk about features that are along the corridor. And so it does talk about crossing southeast through forested land for about one mile, cross the Snowmobile Corridor Trail 18
and then a route used for both Nathan Pond Ride
the Wilds ATV Trail and Snowmobile Corridor 18,
and then to the south was the Mud Pond.

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

A. Probably.

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

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

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

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

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

A. No. As I probably stated, I could have
probably provided more detail about Nathan Pond.

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

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

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

CHAIRMAN HONIGBERG: All right.

Mr. Needleman.

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

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

MR. NEEDLEMAN: Okay. Thank
you. We apologize for this.

(Pause)

MR. VARNEY: Thank you.

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

MR. REIMERS: Yes.

CHAIRMAN HONIGBERG: You may continue.

BY MR. REIMERS:

Q. Mr. Varney, we just discussed Dixville.

After Dixville, the next town on the new overhead right-of-way would be Millsfield; correct?

A. Yes.

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

A. Yes.

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

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

Q. The accurate color for the Wagner Forest land
would be green for forest land, wouldn't it?

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

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

A. Yes.

Q. Are you aware of Millsfield Pond?

A. Yes.

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

A. Yes, I recall seeing that. Yes.

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

A. In materials that I reviewed.

Q. Are you aware of Bragg Pond?

A. I see it on the map.

Q. This is SPNF 90.

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

A. Yes.

Q. Are you also aware of Long Pond?

A. Off the top of my head, I've heard of it, but I
can't recall.

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

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

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

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

A. Yes.

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

A. Yes.

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

A. Yes.

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

A. Yes.

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

A. No.

Q. If the Northern Pass is built, users of
Millsfield, according to Mr. DeWan's map, would theoretically see 1 to 20 structures, wouldn't they?

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

Q. Okay.

A. -- during the proceedings.

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

A. Yes.

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

A. Perhaps.

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

(Pause in proceedings)

BY MR. REIMERS:

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

A. Yes.

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

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

A. Yes.

Q. And just above that is Bragg Pond?

A. Yes.

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

A. Yes.

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

A. Yes.

(Pause)

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

A. Yes.

Q. And that indicates theoretical visibility?

A. According to this map, yes.

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

That's the one near the "Signal Mountain Fire
Q. And do you see Moose Pond having shades of purple there, too?
A. Yes, light purple.

Q. Are you aware that all four ponds are designated trout ponds by the New Hampshire Fish & Game Department?
A. No.

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

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

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

Q. Do you see the introductory paragraph by Fish & Game that states, quote, "The New Hampshire Fish & Game Department manages selected waters to provide remote trout fishing"
experiences, meaning anglers have an opportunity to catch fish in a wilderness setting." Do you see that?

A. Yes.

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

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

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

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

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

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

MR. REIMERS: Fish & Game has designated certain ponds for a particular use, which is remote trout fishing, or remote trout
fishery. And in designating this particular use, Fish & Game talks about the particular -- the special use that these particular ponds would have versus other fisheries. That's why they have the designated trout fishery list, which is not the remote one.

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

CHAIRMAN HONIGBERG: Mr. Needleman.

MR. NEEDLEMAN: Well, several points. First of all, everything that Mr. Reimers just said goes directly to use and enjoyment in the context of aesthetics
analysis. I'm not sure why those witnesses weren't asked.

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

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

So I don't remember the specific question anymore, so if you want to repeat it, that might be helpful.
BY MR. REIMERS:

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

A. I don't know.

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

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

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

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

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

A. It's a recreational use that currently exists.
And people would be able to fish there and
catch stocked trout before the Project occurs,
and they would be able to fish there for
stocked trout after the Project is constructed.

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

A. Yes.

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

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

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

A. No.

Q. Here is SPNF 249 which shows the theoretical
visibility from the four ponds as it is now
and lists the state designations for each pond. Do you agree with any of these designations?

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

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

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

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

A. Yes.

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

A. Yes.

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

BY MR. REIMERS:

Q. So the first 6 miles would be new overhead right-of-way, and the remaining 2.9 miles in Dummer would be in an existing right-of-way
where there currently stands a 115 kV line; correct?

A. Yes.

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

A. Yes, I believe so.

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

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

Q. Are you aware that there are two?

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

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

A. Yes.

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

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

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

A. No.

Q. If the Northern Pass is built, users of
nearly every part of both ponds would theoretically see the Northern Pass, wouldn't they, according to Mr. DeWan?

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

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

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

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

A. Yes.

Q. And that purple indicates theoretical visibility; correct?

A. Yes, apparently.

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

A. Yes.

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

A. Yes.

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

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

Q. Do you see them on SPNF 15?

A. Yes.

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

A. Yes.

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

A. No.

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

A. Yes.

Q. And in your report you state, quote, "In Stark, the existing 150-foot wide right-of-way contains a single 115 kV
transmission line within a 140-, plus or minus, foot cleared corridor"; correct?
A. Yes.
Q. That's in your report at A-20. So the corridor's cleared currently to 140 feet?
A. I believe that was the measurement at the time.
Q. In the next paragraph you state, "Additional vegetative clearing will occur in the 150-foot right-of-way ranging from 10 to 40, plus or minus"; correct?
A. Yes, that was my understanding.
Q. Okay. I assume you meant 10 to plus or minus 40 feet.
A. Yes.
Q. If the existing right-of-way is 150 feet wide and is already cleared to 140 feet, how can up to 40 feet of additional clearing take place?
A. I don't recall. It was probably a generalization, and there may have been an area that needed some additional vegetative removal.
Q. That wouldn't apply to this particular area, would it?
A. I don't recall.
Q. Do you think that if it's already cleared, if the right-of-way is cleared to 140 feet, that any more than 10 additional feet could be cleared if the right-of-way is 150 feet tall?
A. If that's a constant number, yes. I assume so. I don't know.
Q. You state that the existing 115 kV towers in Stark are 43 to 56.5 feet in height; correct?
A. Yes.
Q. For the rebuilt 115 kV line, the new towers would be 74.5 to 110.5 feet in height; correct?
A. Yes.
Q. And new Northern Pass towers would be 70 to 130 feet in height; right?
A. Yes.
Q. So, with the two transmission lines ranging from 74.5 to 110.5 feet and 70 to 130 feet, Stark would have two transmission lines that are roughly comparable in height if the Northern Pass is built, wouldn't it?
A. Similar height. Yes, I believe so.
Q. Both would have a minimum of 70 feet in height?
A. I believe so. Obviously, there are a lot of factors in structure heights with topography. But, yes, I assume so.

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

A. Yes.

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

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

Q. In essence -- strike that.

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

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

A. Yes.

Q. And looking at your attached map, Page A-22, despite its legend, your map of Stark does not show any land uses at all, does it?
A. This is the data that came from the Department of Revenue Administration.

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

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

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

A. Yes.

Q. Yet, nevertheless, your text --

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

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

A. Well, actually, you do get a sense of it as it relates to the parcels that are shown. And there are some uses that one can glean from
that map. But again, we didn't simply rely on
the Department of Revenue Administration's
mosaic map. We looked at additional maps and
described prevailing land uses along the
right-of-way in this town. And of course, this
is all within an existing corridor, utility
corridor.

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

A. I can glean topographical features,
including --

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

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

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

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

Q. Are the water bodies shown in the same color
as the legend indicates water bodies are
shown?
A. No, but they're obvious.

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

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

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

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

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

BY MR. REIMERS:

Q. I just have a few questions about Northumberland.

Are you familiar with Cape Horn State Forest?

A. With which one?

Q. Cape Horn State Forest.
A. Yes.

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

Q. Can you locate it on this map?
A. It would be east of Route 3. Where are we here? I'm not oriented.

Q. Let me help.
A. I can't see the highway there. But it's a high-elevation state park -- state forest, rather.

Q. Would you agree that it's kind of in the middle, south of the --
A. Yes, yes.

Q. -- below the right-of-way --
A. Yes, where that prominent feature --

(Court Reporter interrupts.)

A. I'm sorry.

BY MR. REIMERS:

Q. And there's an arc of what looks like higher land?
A. Yes.

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

Q. Okay. That would be generally the Cape Horn
State Forest; correct?

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

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

A. Yes.

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

(Witness reviews document.)

A. What was your question again?

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

A. Yes.

Q. Looks like a timer.

A. Yes.

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

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

Q. You believe it's close to the proposed
right-of-way?

A. Yes.

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

A. Yes, I believe so.

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

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

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

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

Q. Moving on to Lancaster. Weeks State Park is
in Lancaster, isn't it?

A. Yes.

MR. REIMERS: Back to the

hardwire, please, Dawn.

BY MR. REIMERS:

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

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

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

A. Yes.

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

A. Yes.

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

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

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

A. The State Department of Revenue Administration
produced this map.
Q. And you chose to include it in your report; correct?
A. Yes.
Q. And the mountain constituting Weeks State Park is Mount Prospect; right?
A. Yes.
Q. Now, Martin Meadow Pond is also in Lancaster; right?
A. Yes.
Q. Are you aware that the New Hampshire Division of Historical Resources recently listed the Mount Prospect, Martin Meadow Pond cultural landscape -- as potentially eligible for cultural landscape designation?
A. No, but I'm aware that the Project has historical, cultural, archeological experts on the Project.
Q. I'm showing you Counsel for the Public's 443. You don't mention Martin Meadow in your ponds, do you?
A. No.
Q. Are you aware that Martin Meadow Pond is also listed on the State Parks web site as a fishing destination in the Great North Woods?
A. Yes.

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

A. Yes.

Q. Do you see that?

A. Yes.

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

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

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

A. Yes.

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

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

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

A. I can't recall.
Q. I'm going to show you the Project maps, Applicant's Exhibit 2 at Page 27875 and 27877. Do you see the line between Northumberland and Lancaster?

A. Yes.

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

A. Yes.

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

A. Yes.

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

A. It appears so.

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

A. No.

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

A. No.

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

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

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

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

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

Q. If I looked at your map, along with your text
of Northumberland and Lancaster, would I know that there's a wetlands complex there?

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

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

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

Q. So is it your opinion that it's more important to have accurate maps if you're doing wetlands work than it is for an orderly development report?
A. Wetlands are used for state and federal permitting, and there are very detailed requirements associated with that. And as it relates to this project, the SEC requires that there be a description of prevailing land uses along the corridor and the extent to which the Project may affect those land uses. In this case, it's following an existing corridor, and there's no indication that it will affect adjacent land uses.

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

A. I already answered that question.

Q. What was your answer?

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

Q. Your legend shows wetlands as being blue with
stripes. Are you aware that no wetlands, using that blue with white stripes, are shown on your maps of 23 municipalities?

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

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

A. Go ahead. That's all right.

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

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

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

MR. NEEDLEMAN: Objection.

Asked and answered.

MR. REIMERS: I'll move on.

BY MR. REIMERS:

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

MR. NEEDLEMAN: Objection.
Asked and answered.

CHAIRMAN HONIGBERG: You can answer it again.

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

BY MR. REIMERS:

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

A. Yes.

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

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

A. Yes.

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

A. Yes.

Q. And the only mention of the Forest Lake State Park in your report is, quote, "Forest Lake is located in the southern portion of town and includes seasonal cottages along the shoreland and Forest Lake State Park, a recreational area with a beach and picnic..."
areas"; correct?
A. Yes.

Q. Again, where on your map is Forest Lake State Park?
A. It's not shown on the map. I believe that's Burns Lake to the north.

Q. If I represented to you, would you agree that it's not shown on the map?
A. If the map were continued in that direction, it would show up. I've been to that lake and that state park.

Q. A state park is a land use, isn't it?
A. It is, but it doesn't directly abut the corridor. It's a significant distance, actually, from the existing right-of-way. And I have been to the park and looked from the park across the lake. Heavily vegetated area.

Q. Forest Lake itself is in both Whitefield and Dalton; correct?
A. Excuse me. Again?

Q. Forest Lake, not Forest Lake State Park, but Forest Lake is in Whitefield and Dalton; correct?
A. I believe so. I think of it as being in
Dalton. But yes, I think you're right.

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

A. Yes.

Q. And where is it?

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

(Witness reviews document.)

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

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

A. Yes.

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

A. No.

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

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

Q. I just asked you, a few questions back, whether a state park is a land use, and you
answered "Yes" and then went on to explain. But are you aware of any of your maps that show state park boundaries or label it?

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

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

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

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

A. Approximately, yes.

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

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

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

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

A. No.

Q. Do you see a little sliver?

A. No.

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

MR. NEEDLEMAN: Objection.

BY MR. REIMERS:

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

A. I don't know. I see light purple on this map.
I didn't conduct a visual assessment. But I'm fully aware of the use of Forest Lake. And I think that the Project, once constructed within this existing right-of-way, will not affect the continued use of Forest Lake State Park.

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

A. Light purple, yes.

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

A. Yes, yes.

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

A. Yes.

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

MR. REIMERS: We are looking at... have we marked this? It's the Dalton Conservation Commission 1/19/16 Petition to Intervene. We can mark that as an exhibit.
Q. Looking back on -- strike that.

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

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

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

A. The DRA is what it is.

Q. And this is the map that you --

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

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

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

Q. Neither your testimony nor your report addresses the towns of Deerfield, Candia,
Raymond, Auburn, Chester, Derry or
Londonderry; correct?

A. Correct.

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

A. I believe that's the correct number.

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

A. I believe my -- yeah, I believe my testimony
was that 0.7 miles was undergounded within
Pittsburg.

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

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

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

A. Thank you.

CHAIRMAN HONIGBERG: We'll take
five, ten minutes.
MR. VARNEY: Thank you.

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

CHAIRMAN HONIGBERG: Mr. Baker, you may proceed.

MR. BAKER: Thank you, Mr. Chairman.

CROSS-EXAMINATION

BY MR. BAKER:

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

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

A. Yes.

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

A. I was the Commissioner of the New Hampshire Department of Environmental Services for 12
years, appointed by three governors, and also
served for a short while as Director of the
Office of State Planning. And prior to my work
with the State, I was head of two regional
planning commissions and worked with the other
regional planning commissions over the course
of our work, which included the North Country
Council.

Q. This is all in your resume; correct?
A. Yes.

Q. Yes. I'm more specifically interested in the
hands-on familiarity that you have with the
Great North Woods as a visitor or as a
traveler through the woods. Have you been
there very often?
A. Several times, yes.

Q. Now, this is other than as performing your
assignment in this matter.
A. Yes. I have some relatives north of the Notch
and several friends.

Q. Have you ever been in Dummer and Stark before
this assignment?
A. Yes, I have. Stark I remember quite well from
the PNGTS Project that was before the SEC. And
in Dummer, I was involved with Dummer and
certainly one of its residents relating to the
Pontook Reservoir there and as it relates to
the State Water Resources Council.

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

A. Yes.

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

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

Now, I'm sure that you've not been
specifically on this property, or unlikely
that you've been. But would you say that
this is a relatively typical view of the
landscape that you see in the Great North
Woods?
Q. And would you also agree that, except for a little, tiny, wooden cross, a horizontal piece just at the end of the red arrow, you don't see any transmission lines in this photograph?
A. No, I don't.
Q. Okay. And that would be quite typical of the North Country landscape along the Coos Loop, which the Applicants intend to use for this project; correct?
A. Yes. And there are also distribution lines that are along state highways as well throughout the Great North Woods.
Q. When you say "distribution lines," you're talking about distribution lines on single poles with a cross member --
A. Yes.
Q. -- for local power. What's the typical height of a distribution line? About 25, 30 feet?
A. Yeah, 35, 40 feet, something like that, yes.
Q. Well, the Coos Loop itself has -- this is the transmission line. It's on structures that
are 40 to 45 feet high; correct?

A. Hmm-hmm. Yes.

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

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

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

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

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

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

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

Q. You don't see any distribution or
transmission lines, do you?

A. Not from this exact point, no.

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

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

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

A. It looks like a transmission structure.

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

A. I don't recall.
Q. Would you be prepared to acknowledge that these are the lattice towers that Northern Pass plans to build in portions of Stewartstown or Clarksville?

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

Q. Now I'd like to follow up on a few things that the Forest Society's lawyer asked you. He asked you if the towers planned by the Northern Pass proponents were consistent with the current uses in Clarksville, Stewartstown and Pittsburg, and I believe you said that you thought they were.

A. Yes.

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

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

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

A. No.

Q. All right. We'll check the record on that. But don't you agree that the
construction of towers as shown in Applicant's Exhibit 1, Appendix 17, is going to radically change the countryside of the Great North Woods, including the towns where my clients live or have property?

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

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

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

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

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

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

He asked you about the Beecher Falls plant that you talked about. And you said
that that was only 0.3 miles from the
 corridor of this transmission line coming in
 from Canada into Pittsburg. Do you recall
 that?

A. I believe so.

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

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

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

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

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

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

Q. And you also mentioned there was a lumber
 yard in East Hereford, just north of the
Beecher Falls plant, that is also near the transmission line as it comes into Pittsburg from Canada; is that correct?

A. Yes, I believe so.

Q. And is that part of the same region?

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

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

A. Yes.

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

A. Yes.

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

A. Yes, it will.

Q. Okay. And you're familiar with the fact that Neil Tillotson gave a very large grant of property on Mount Hereford to the people of Quebec with conservation easements on it?
A. I don't know the details, but I'm generally aware of that, yes.

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

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

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

MR. NEEDLEMAN: Objection. Relevance.

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

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

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

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

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

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

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

BY MR. BAKER:

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

Mount Hereford is, in part, subject to a conservation easement placed on it by a donor
named Neil Tillotson; correct?

A. Yes.

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

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

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

A. Apparently, yes.

Q. And it's forested; correct?

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

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

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

A. Okay.

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

In your report, you made the statement that the underground portion of the line in Pittsburg was 25 percent of the total corridor. Do you recall that?
A. It's 0.7 miles.

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

A. No, I didn't have time.

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

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

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

A. No.

Q. Okay. I have in front of you the RSA on orderly development of the region. And we've looked at this before. I simply want you to tell us how you have -- and you can do this briefly -- how you have ascertained the views of municipal and regional planning commissions other than through written documents. And I think you had interviews with one or more of the employees of the
North Country Council; is that correct?

A. Yes.

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

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

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

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

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

A. No. The SEC rules do not require that. They very clearly state that, if such views have been expressed in writing, that it needs to be included in the Application.
Q. Well, you're putting a gloss on that by saying that it has to be expressed in writing in the SEC proceedings, aren't you?
A. It just says "if views have been expressed in writing."

Q. Right.
A. And it was prior to the submission of the Application.

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

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: Mr. Baker, if you --

MR. BAKER: I'll withdraw the question.

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

MR. BAKER: I can argue this. I understand, and I'll withdraw the question.

Thank you, Mr. Chair.

BY MR. BAKER:

Q. Did you go to any of the town clerks in the
five towns I've mentioned and ask them if there's anything in writing expressing the views of the town?

A. No.

Q. Did it occur to you to do that?

A. No.

MR. BAKER: Can we go to the ELMO?

BY MR. BAKER:

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

(Witness reviews document.)

A. Not aware of it.

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

A. It may have, it may not have. My experience
with local town offices is that you can't assume that they will know about everything that's happened.

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

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

MR. IACOPINO: Can you identify them for us?

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

MR. IACOPINO: Thank you.

BY MR. BAKER:

Q. Do you see CS 99, sir?
A. Yes.

Q. Have you seen that document before?
A. I may have. I'm aware that several towns had town meeting votes to oppose the Project as proposed.

Q. And why didn't you include in your report the votes that were taken by these towns?
1 A. That was not part of my role in looking at land
   use --
2 Q. Well, the --
3 A. -- or right-of-way.
4 Q. The votes are all published in the minutes of
   the town meetings, aren't they?
5 A. Yes, and I reviewed any information that had
   been collected by the outreach staff for
   Eversource who were tracking town votes or
   related information.
7 Q. But you didn't include that in your report,
   did you?
8 A. No. I spoke that I was aware that there were
   concerns, and I attended several meetings in
   which statements of concern were expressed at
   the meetings.
9 Q. Well, this is a document from the Town of
   Stewartstown showing a town vote on a
   directive directing the Town to oppose the
   Northern Pass, isn't it?
10 A. Yes, this was for the earlier version of the
    Project, I believe.
11 Q. Right. And would you agree that your report
    makes no mention of this document?
A. Not specifically, but I do recognize and have made it very clear that I'm aware of municipal concerns that have been expressed.

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

A. Yes.

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

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

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

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

A. Yes.

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

A. Yes.

Q. Do you have your copy of that regional plan with you?
A. Not with me, no.

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

A. Yes.

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

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

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

A. Yes.

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

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

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

A. This one was back in 2010.

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

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

A. Yes.
Q. Why isn't that in your report?
A. I believe that it may have been. I would need to look.

Q. Well, we can ascertain that by reviewing the report --
A. I was --
Q. -- would you agree?
A. Yes, as well as other working documents that may have been provided.

Q. Yeah. And the North Country Council Board of Directors didn't just take this position based on their own subjective feelings, did they?
A. No, it was a survey that was undertaken. And I spoke with Michael King, who was the executive director at that time, about it. And it was a very simple survey that was conducted about opposing the Project as proposed at that time.

Q. Did you ask for a copy of the Northern Pass survey results that were obtained by the North Country Council?
A. I believe I reviewed them online on their web site at the time. I'm not sure if it's still there. But I observed it on their web site. I
looked through the web sites of all the regional planning commissions.

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

A. Yes.

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

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

Q. For the --

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

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

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

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

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

I believe that Clarksville and Stewartstown don't have zoning. Dummer has zoning. It's a single zone, I believe. So they changed their zoning recently. In fact, we had a little bit of confusion about that, because when one of our staff checked with the town office about that, we were told that it had been abolished, by the person in the town, and it turned out that it wasn't abolished. A large number of zoning districts were abolished, and it's a single
town ordinance, so to speak.

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

A. Unpaid? Yes.

Q. And they're volunteers.

A. Yes.

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

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

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

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

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

A. Yes.

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

A. Yes.

Q. Okay. And so when the town voters assemble
and vote that they want to oppose the Northern Pass, aren't they the municipal authority that's directing the select board what to do?

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

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

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

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

MR. BAKER: I simply want the witness to acknowledge, if he can, that the highest authority in the town is the town
meeting and the voters who approve actions in
the town.

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

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

BY MR. BAKER:
Q. Can you respond to that question, sir?
A. That the town meeting voters adopt an annual
budget.

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

A. Unless they need a special town meeting.

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

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

MR. IACOPINO: Thank you.

BY MR. BAKER:

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

A. Yes, I believe so.

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

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

Q. Thank you. I have no further questions.

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

I have the same question for you, sir, with CS 97, CS 99 and CS 101. Were
those documents actually obtained from the
Town?

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

MR. IACOPINO: Yes.

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

MR. IACOPINO: Thank you.

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

MR. IACOPINO: No.

MR. BAKER: Okay.

CHAIRMAN HONIGBERG: All right.

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

CROSS-EXAMINATION

BY MS. MENARD:

Q. Good afternoon, Mr. Varney.
A. Good afternoon.

Q. Were you involved in the first Northern Pass landowner outreach effort in order to obtain an easement to widen the right-of-way?
A. No, I don't believe so.

Q. So you didn't go to any of the meetings with the individual landowners?
A. No. I heard reports or comments from some who did, but I was not there personally.

Q. Okay. Was Mr. True working for Normandeau at the time that some of these outreach meetings were taking place in 2011 and 2012?
A. No, he's never been an employee of Normandeau.

Q. Okay. Thank you.

Do you know how wide that Northern Pass was seeking to expand the existing right-of-way?
A. No, I don't know.

Q. I'd like to move on to the next topic, and
that is, you state that the use of the
right-of-way predates conservation use;
correct?

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

Q. Would you agree that planned forest
management is evidence of conservation
efforts, in the sense that a property owner
has demonstrated wishing to hire professional
foresters and develop the property with
procedures that are recognized as good
management practices, that that would be considered evidence of a conservation-minded landowner?

A. Perhaps.

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

A. Yes.

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

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

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

A. A general note in terms of compatibility of land use, that there have been many instances, and there are many, many examples of uses being
established with the full knowledge that there was a utility right-of-way there. And in some cases, that utility right-of-way existed prior to the construction of a home or the designation of a parcel of land for conservation.

Q. But in terms of creating a benchmark for your statement and supporting your statement, do you have any evidence that would disprove a sense that maybe there was more conservation activities taking place, you know, along the route, as opposed to your assumption or assertion that it's the other way around?

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

Q. Moving on to just two questions about the buried utility easement. Yesterday, Attorney
Pappas was questioning you with regards to a buried easement interfering with development opportunities for a property owner. My questions relate to the fact that you agree that Mr. Chalmers' report does not address property value effects in the areas where the Project is to be buried. Correct?

A. I believe so, yes.

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

A. No.

Q. I'd like to ask you a few questions about my family's commercial property located in Deerfield. And for illustrative purposes, I took the -- this map is from the Nottingham Road Rural Historic District file. And I will look up the number to place on it. And this is, for just brief background, you can see Nottingham Road, and there's a cluster of some commercial buildings. And this is about 40,000 square feet of commercial buildings,
but we'll just show you two pictures so you have a mind's eye of what's out back here on this property. These were constructed starting in the '50s. There's three sets of buildings.

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

BY MS. MENARD:

Q. And once again, these are photos from the historic file on the Deerfield Parade area. And in the background, on the top picture is Pawtuckaway Mountain; hence, the name of this facility, Pawtuckaway View. It was originally the PK Lindsay Company. You agree that Mr. Chalmers did not study commercial properties in his New Hampshire case studies?

A. Yes.

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

A. I believe it was commercial and industrial.

Q. Yes.
A. Yes, I read that.

Q. Okay. Do you agree that the master plan vision guides future land use decisions?

A. Yes.

Q. You agree that future uses of properties may be different than the prevailing use?

A. That land uses could change at some point in time, yes.

Q. Are you familiar with the term "re-purposing" buildings --

A. Yes.

Q. -- such as converting mill buildings to residential, et cetera?

A. Or residential to offices, yes.

Q. Okay. In your land use analysis, how did you identify the commercial properties?

A. Combination of looking at existing land use maps, reading the town master plan, and driving the route as best I could without infringing on anyone's private property.

Q. Did you identify this Deerfield commercial property? The address is 63 Nottingham Road.

A. I can't recall. It was a couple years ago.

Not sure.
Q. Is your conclusion the same as Mr. Chalmers, that Northern Pass would have no measurable impact on the value of a property like 63 Nottingham Road?

A. I'm not aware of anything that would suggest otherwise.

Q. Okay. I'm going to move on to another topic that has to do with the section of right-of-way in Deerfield that is, as you're aware, composed of two 100-foot sections. You would agree that concerns about right-of-way development impacts in the 1920s and 1950s were likely different than the development impacts being discussed today?

A. I'm not sure I could conclude that. I'd need to look at it further.

Q. You would agree that in Deerfield, the development of the second 1950s right-of-way, which was a 115 kV line, what was being proposed was similar in size and style to that of the existing 1920s corridor? Would you agree with that?

A. The question, though, was what?

Q. The question is: Was there a similar -- when
people were hearing about and planning for the second introduction of a project on a new corridor, it was similar to what they were used to?

A. I don't know.

Q. Well, I'll just ask you. Do you think that the Deerfield Planning Boards in the '60s and '70s, and I can't -- and I don't know if there were planning boards, if that's what they were called. So let's just assume there was some. Can we assume that there was Deerfield involvement in being aware of the this new right-of-way coming through town?

Do you think that they were envisioning or had any reason to anticipate a future doubling of pole height and structure style changes?

MR. NEEDLEMAN: Objection. Calls for speculation.

CHAIRMAN HONIGBERG: Ms. Menard.

MS. MENARD: Well, Mr. Varney's a land use planner. And I think it's more than a curiosity question to understand if we're wrestling with decisions about a project today
and he's relying on existing uses and change of uses. That depends on understanding how people got to where they have got. And I would imagine that --

CHAIRMAN HONIGBERG: I'm sorry. You've just argued for why you should be able to look back to get an explanation of how people got to where they are. But I think the question asked him to look forward, didn't it?

MS. MENARD: I'm actually going to get to that point. His testimony does go back. In fact, it's a major cornerstone of his argument.

CHAIRMAN HONIGBERG: I may have misunderstood the question. Can you reread the question?

MS. MENARD: Yes.

BY MS. MENARD:

Q. Do you believe that people who were in a position of commenting, deliberating, making decisions for a municipal town like Deerfield had any idea, had any vision of a future project that would be doubling in size?

CHAIRMAN HONIGBERG: Yeah, that
definitely calls for speculation.

MS. MENARD: Okay.

BY MS. MENARD:

Q. So you can imagine that. You don't know the answer --

A. My answer would be that I can't speculate on that.

Q. Okay.

A. Been waiting to give that answer, but everyone's given it for me. That was off the record, by the way.

CHAIRMAN HONIGBERG: Sorry. You don't get to make those decisions.

BY MS. MENARD:

Q. So your continued use argument goes back in time, but does not contemplate the next proposed project which may happen in 50 years; correct?

A. In my report, I was simply pointing out that there are many transmission lines in the state that have existed for a very long time. And I think, also, that there is a general assumption with those involved in planning and development that there will be increased use over time,
that the town will have additional growth in residences and businesses, that there will potentially be growth in their utility needs to serve the town and the region, and that their roadways are likely to carry more traffic and may need to be upgraded over time to serve that need as well.

So, again, I can't speculate what was in their minds in any community back in those -- in that time frame, but I was simply pointing out a fact that is one of many considerations.

Q. In your answer just now, you stated that it is to be assumed that planning boards anticipate future growth of an easement. What's the evidence of that?

A. Based on my experience in working with many towns and having read, even for this project, about 50 master plans, they all assume that there will be growth and development taking place in the future.

Q. We assume that today; correct? So you're reading master plans, and you have access to, again, information as to how things develop
that potentially goes back, what, 30 years or so? Is that fair? Or 40 years maybe?

A. You can pick any time frame you'd like. Some
go back further.

Q. Okay.

CHAIRMAN HONIGBERG: Ms. Menard,
we're going to need to wrap up in five minutes
or so.

MS. MENARD: Okay.

BY MS. MENARD:

Q. So continued use does not necessarily
guarantee future use; correct?

A. There's a potential for future uses to change
over time. And the work on land use is to look
at prevailing land uses -- this is according to
the SEC requirements -- prevailing uses along
the Project corridor, and then to look at the
extent to which they will affect the continued
uses of those properties.

Q. Okay. And my last topic is regarding some
questions about Mr. Chalmers. And in
response to a question yesterday from Mr.
Reimers, you considered Mr. Chalmers' report
well done; correct?
A. Yes.

Q. Are you familiar with the methodology used in his report?

A. Generally speaking.

Q. Do you know if this methodology outlined was actually followed?

A. I didn't conduct an evaluation of protocols that were carried out in the conduct of developing information for his report, no. I read the final report and his prefiled testimony and supplemental testimony.

Q. You agree that you testified that you found Mr. Chalmers' work to be accurate.

A. I found it to be well done. And I'm sure, with any major effort, there may have been some errors occasionally. But overall, his body of work on this effort was, in my view, very well done, very informative, very interesting. And also, I think he was very sincere and honest in how he expressed the concerns that property owners may have and then how the data may not correspond to that.

Q. Yesterday you used the word "accurate."

Today you did not use the word "accurate."
A. Well, I'm using it in a general sense. I don't recall using "accurate." I may have said that. But it would have been in a general context, in that it provided much more level of detail than I had seen in prior SEC proceedings.

Q. So we've established that you're not a real estate expert; correct?

A. Correct.

Q. And if I handed you one of his case studies, could you read it and verify the accuracy?

A. I'd need to go out and do my own independent research to verify that. So I relied on his overall opinions and overall conclusions regarding effect on property values.

Q. Did Mr. Chalmers provide any post-construction studies or reports to reflect that the Northern Pass Project might affect properties along the route?

A. I don't believe so, other than the extent to -- that there was not -- that he conducted a literature search and that his findings appeared to be consistent with the literature search that he conducted, which is explained in his testimony.
Q. In Mr. Chalmers' report, do you know how many times there's a reference to "Northern Pass Transmission"?

A. No, I certainly didn't count them.

Q. I'll represent to you that "Northern Pass Transmission," if you did a word search of his 1700-page document, zero uses; "NPT," letters N-P-T, is used five times; and "Northern Pass" is used two times.

So my last question is: If Mr. Chalmers did not study individual project effects on individual real estate markets in New Hampshire, nor regional markets in New Hampshire, do you agree that his report doesn't go into details regarding individual markets or individual communities?

A. It was regional markets that he spoke to. But he conducted subdivision studies and the like as well.

Q. I'd like to just put up the transcript to help me get to my last question.

Would you be able -- because I can't see this far, would you be able to read that for us, the underlined section?
A. It says it didn't address the issue of the impact of the Project on local --

CHAIRMAN HONIGBERG: Slow down, slow down.

A. I'm sorry. It didn't address the issue of the impact of the Project on local and regional real estate markets. It was addressing the issue of the effect of high-voltage transmission lines on residential, primarily on residential real estate values, as a general issue of research.

Q. So we have -- my question is not to create a list of all the things that Mr. Chalmers didn't study. I would like to get to the essence of what Mr. Chalmers did study. And my concern is to what degree did Mr. Chalmers study or provide evidence of the effects of Northern Pass Transmission on New Hampshire property values.

MR. NEEDLEMAN: Mr. Chairman, I object. Mr. Chalmers testified extensively, and all his documents are in the record. They all speak for themselves on this issue.

CHAIRMAN HONIGBERG: Ms. Menard.
MS. MENARD: But Mr. Varney is representing that he relied on Mr. Chalmers' report, and he has a responsibility to -- his part of his testimony similarly is rendering an opinion of Project effects on property values. So, can I clarify the question to get --

CHAIRMAN HONIGBERG: Give it a whirl. Whoa, whoa, I want a clarified question.

MS. MENARD: He's nodding, and I think he understands what I'm after.

CHAIRMAN HONIGBERG: Yeah, and I think -- I was prepared to sustain the objection and not let you ask --

MS. MENARD: Thank you. I will --

CHAIRMAN HONIGBERG: No, no, no, not let him answer the question that you asked. He apparently wants to answer the question, but there's a pending objection that seems to me to be a valid one. So I would prefer that you try to rephrase the question.

MS. MENARD: I will try.

CHAIRMAN HONIGBERG: That's
directed at you, Ms. Menard, to rephrase the question.

MS. MENARD: Yes, I'm thinking. Is that allowed?

MR. NEEDLEMAN: Could we maybe break here to get Mr. Varney out, and maybe Ms. Menard could think about her question?

CHAIRMAN HONIGBERG: Off the record.

(Discussion off the record).

CHAIRMAN HONIGBERG: All right.

MS. MENARD: I will rephrase the question.

BY MS. MENARD:

Q. Are you all set, Mr. Varney --

A. Yes.

Q. -- or would you prefer to move on?

A. Yes. Go ahead. If you could just ask the question, I'll try to answer it.

Q. Okay. The question is: From a property value perspective, what evidence do we have, either from Mr. Chalmers' report or from you, to address Northern Pass Transmission Project's effect on property values in New
Hampshire?

A. Mr. Chalmers' report does look at the potential effect of property values associated with a transmission line, whether it be this project or another transmission line in New Hampshire --

Q. Excuse me. Mr. Varney, may I interrupt?

A. Yes.

Q. I'm concerned -- I'm not here to talk about 115 kV line impacts on property values. I'm here to talk about the Northern Pass Transmission impact on property values. In either Chalmers' report, which I led to that question with, post-construction, that would -- that's probably the closest thing we're going to get to -- where is there information for the Committee to consider regarding Northern Pass Transmission Project impacts on property values?

A. In his prefilled and supplemental testimony and his reports.

Q. Okay. Thank you.

A. Thank you.

CHAIRMAN HONIGBERG: All right.
We will break for the day and resume on Thursday.

(Whereupon the Day 36 Morning Session was adjourned at 12:51 p.m., with NO DAY 36 Afternoon Session, and the Day 37 hearing to resume on September 20, 2017 commencing at 9:00 a.m.)
CERTIFICATE

I, Susan J. Robidas, a Licensed Shorthand Court Reporter and Notary Public of the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)
client's (1) 88:18
close (3) 19:1;68:24;98:3
closer (1) 44:17
closest (1) 134:15
cluster (1) 119:22
Colbrook (1) 35:11
collected (1) 104:8
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color (2) 46:24;65:22
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coloring (3) 22:13;41:8;46:19; 87:23
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claimed (1) 132:8
clarify (1) 132:6
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