STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

September 26, 2017 - 2:11 p.m. DAY 40
49 Donovan Street Afternoon Session ONLY
Concord, New Hampshire

{Electronically filed with SEC on 10-12-17}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Chmn. Martin Honigberg (Presiding Officer) Public Utilities Comm.
Dir. Craig Wright, Designee Dept. of Environ.Serv.
Christopher Way, Designee Dept. of Business & Economic Affairs
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq. Counsel for SEC (Brennan, Caron, Lenehan & Iacopino)
Pamela G. Monroe, SEC Administrator
(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14
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PRESIDING OFFICER HONIGBERG:  Good afternoon, everyone. We're going to welcome back Dr. Bunker and Ms. Widell, who are still under oath, to continue their testimony. I understand, Mr. Walker, that you have a brief direct to conduct of one or both of them?

MR. WALKER: Just very briefly, yes.

PRESIDING OFFICER HONIGBERG: Go ahead.

DIRECT EXAMINATION

BY MR. WALKER:

Q Good afternoon, Ms. Widell. Did you have a change to make to your Supplemental Prefiled Testimony?

A (Widell) Yes. I do. On page 13, line 23.

PRESIDING OFFICER HONIGBERG: What exhibit number?

MR. WALKER: It's Exhibit 95.

A (Widell) A change from 6 to 7 historic resources. And on line 26, further evaluation of three instead of four properties.

Q Any further changes to your Supplemental Testimony?
A (Widell) No. There are not.
Q Do you have any other changes you wish to make to the Effects Tables that were submitted?
A (Widell) Yes. One is related to the Upper Ammonoosuc Cultural Landscape.
Q Let me interrupt you there just briefly. For the record, that's 196 B, and you're referring to the Upper Ammonoosuc which is tab 52 in that exhibit.
A (Widell) And it is the Effects Table. The tax map parcel mentioned in the revised table correctly identifies it as number 4, 11, 15. The Effects Table is in error showing it as 4, 11, 45.
Q Do you have any other changes to the Effects Tables that were submitted?
A (Widell) Yes. In the page 23 of the Mount Prospect-Martin Meadows Pond Cultural Landscape Effects Table should be labeled as existing conditions, not proposed conditions.
Q And just for the record, Mr. Chairman, that's the same Exhibit 196 B. It is tab 47, page 23 of that tab. Thank you.
Ms. Widell, with that change to your
Supplemental Testimony, do you swear by and 
affirm that testimony?
A (Widell) Yes, I do.
Q Thank you.

PRESIDING OFFICER HONIGBERG: Thank you, 
Mr. Walker. I understand Counsel for the 
Public, Mr. Aslin, you are grabbing the 
microphone today. Mr. Aslin, you may proceed.

MR. ASLIN: Thank you, Mr. Chairman.

CROSS-EXAMINATION

BY MR. ASLIN:
Q Good afternoon, Ms. Widell and Ms. Bunker. 
Welcome back.
A (Widell) Thank you. Good afternoon.
Q I'm sure you're very excited to be back here 
again. Dr. Bunker, apologies in advance. Most 
of my questions, if not all, will be directed to 
Mr. Widell, but we're very happy that you're 
here. I hope you enjoy the questioning.

Ms. Widell, I'd like start by taking a look 
at the Programmatic Agreement which is 
Applicant's Exhibit 204. I believe it should be 
coming up on the screen in a minute.
A (Widell) I also have a copy in front of me.
Q Very good. And is that up on everyone's screen now?

A (Widell) Yes. Thank you.

Q And so this document, to try and move this along, I'm going to make some representations about what I think this document is and ask you about if you agree and then, hopefully, we can move along quickly through this beginning section.

So this document is part of the 106, Section 106 process, is that correct?

A (Widell) Yes, for this specific undertaking.

Q Right. The Northern Pass Transmission Project. And this is a document that's been executed by sort of the primary federal and state agencies involved in the 106 process as well as the Applicant; is that correct?

A (Widell) Yes.

Q It's not directly related to the SEC process, correct?

A (Widell) Yes.

Q In other words, it doesn't govern the SEC's review or anything that the SEC has to do?

A (Widell) No, it does not.
And you would agree that this, the Section 106 process is an independent process sort of in parallel with the SEC process, and it can continue beyond the decision point of the SEC?

Yes.

Thank you. So would it be fair to say that the information that is developed through the Section 106 process, including the information that's addressed in the Programmatic Agreement, is information that is informative to the SEC and that they may rely on as evidence in their decision making process within the SEC proceeding?

Yes.

Okay. I want to take a first look at page 9 of the Programmatic Agreement which is now on the screen. And in paragraph 36, the "whereas" clause, it speaks to the area of potential effect for this Project; is that correct?

Yes.

When I was reviewing this, it seems to me that there may be somewhat of a change in the APE at this stage from what we heard in testimony earlier in this proceeding, and, specifically,
I'll point, direct your attention to the APE for indirect effects to underground sections of the Project. And as I read it here, towards the bottom of the paragraph, there's a defined APE for indirect effects as 200 feet approximately from the edge of pavement on both sides of existing roads. And that's in paragraph 36 towards the bottom of the paragraph.

Did I read that correctly or does that summarize that correctly?

A (Widell) That was for the indirect APE.

Q So that would be visual impacts, potentially some other impact?

A (Widell) For the underground.

Q Yes. Okay. Is that a different indirect APE from what you had previously been using in this process when you were presenting your testimony earlier in the proceedings?

A (Widell) No.

Q Okay. I may just be confused because I had been remembering that there's, we had focused on the 20-foot direct APE for underground sections, but I hadn't recalled there being explicit discussion of an indirect APE for undergrounding
and going out 200 feet.

A (Widell) Yes. Most of the discussion was related to the direct APE on underground.

Q Okay. In the work that you did for your testimony in this proceeding, so I guess I can represent that's in part work that went into the 106 process but was done initially for the Application for the SEC, did you look to the underground sections of the Project for potential indirect effects to historic resources?

A (Widell) No.

Q So that was not part of your testimony that was submitted as part of the Application here?

A (Widell) No.

Q Okay. So let me ask then. Is the 200-foot indirect APE for buried sections of the Project something that has developed during the 106 process as an additional criteria or is it, has it been there all along in the 106 process?

A (Widell) No. I don't believe it has. I would have to refer back to the 2013 letter between the Department of Energy and DHR which established precisely the APE for both the
underground and the aboveground sections of the Project.

Q Okay. But for purposes of your Direct Testimony and Supplemental Testimony in this proceeding, your analysis, I think just told me, did not look to indirect effects for the underground portion of the Project out to 200 feet to either side of the roadways; is that correct?

A (Widell) Yes. To my knowledge there are not visual effects related to an underground portion of this Project.

Q But you didn't actually study that as part of your review leading up to your direct and Supplemental Testimony?

A (Widell) No.

Q Okay. Thank you. Subsequent to your Supplemental Testimony being filed in this docket, have you gone back and done a further review of the underground portions of the Project to look specifically at potential indirect effects within the 200-foot APE to either side of the roadways?

A (Widell) Yes, I have.

Q And has that, the result of your review, has
that been submitted in some form to the Committee or to the parties?

Q Is that the Effects Tables that we have recently received?

A (Widell) Yes.

Q Thank you. So within the recent Effects Tables which I believe are incorporated in Applicant's Exhibit 196 B, you have addressed the indirect effects out to 200 feet to either side of the roadway?

A (Widell) Yes.

Q Thank you. Now I'm going to skip ahead to the substance of the Programmatic Agreement for a moment. And then we've got page 13 up on the screen. At the bottom of page 13, do you see that there's a heading, III Identification and Evaluation of Historic Properties?

A (Widell) Yes. I see that.

Q And I'm showing the page, but you have the document. Is that, do you understand that that is one of the stipulations that's contained in the Programmatic Agreement?

A Yes.
Q And if we, well, I'll start at the bottom here.

Part of what the Programmatic Agreement appears to be doing is setting up a process that could incorporate the identification of additional resources within the APE; is that correct?

A (Widell) Yes.

Q That's what this, part of what this stipulation is getting at?

A (Widell) Yes.

Q And if we could go to the next page, please?

So at the top here we've got stipulation 3, paragraph or section A(1)(a) and (b), specifically (b), and it's asking or requiring that there will be additional identification investigations in New Hampshire, and then there's a list of the types of things that will be investigated. Is that correct?

A (Widell) Yes.

Q And those include the Phase 1 A and B archeological investigations, architectural inventory, cultural landscape inventory and Phase II archeological investigations; is that right?
Q Yes. Okay. And my understanding is that this, much of that work has been done at this point; is that correct?

A (Widell) I cannot speak to (b)(1), I'll have to turn to my colleague, Dr. Bunker.

Q Sure. This is your big moment, Dr. Bunker.

A (Bunker) I'll make it brief. Yes.

Q And has that been completed at this point? Specifically, identification investigations including the Phase 1 A and 1 B archeological investigations?

A (Bunker) Yes. 1 A and 1 B is completed and Phase II is completed.

Q Has that been completed for the entirety of the Project?

A (Bunker) No.

Q What hasn't been done yet?

A (Bunker) There's still a small segment of the Project in the North Country on locally maintained roads where Phase 1 A has been completed, but we have not gone any further in the other steps. These are in the towns of Clarksville and Stewartstown.
Q  Okay. Thank you.
A  (Bunker) You're welcome.
Q  Other than that section of the Project in Clarksville and Stewartstown, have all the archeological investigations been completed?
A  (Bunker) Yes. Correct.
Q  Okay. Thank you.
A  (Bunker) You're welcome.
Q  Back to Ms. Widell. In terms of the other categories, the architectural inventory and the cultural landscape inventory, I understand that that process has been ongoing, and, indeed, we're going to talk about some of the recently submitted materials. In your opinion, have you completed all of the investigations of resources that you anticipate completing in this process?
A  (Widell) Yes, but I would like to clarify that DHR has been very much involved in the identification of historic resources and very helpful in directing which properties they wanted to be identified as well as working on identifying the cultural landscapes along with the consulting parties. So I would not characterize it as what I'm choosing to
identify. That has been done in complete consultation with DHR who also is consulting with the Department of Energy.

Q Right. And that's part of the 106 process, correct?

A (Widell) Yes.

Q DHR and DOE's role is within the 106 process, to clarify?

A (Widell) Well, to clarify, not exclusively. DHR certainly provides information and direction in the SEC process as well.

Q But in terms of identification of resources and assessment of effects, that's primarily part of the 106 process; is that correct?

A (Widell) Yes. Primarily.

Q If I understand what you're saying, I'll try and summarize. You've completed what you believe to be the identification phase, but the DHR and DOE haven't completed their review so there could be additional investigations required?

A (Widell) No. That's not accurate. And first I would characterize, it's not my identification. There have been at least 8 different firms qualified under what we call the Secretary of
Interior standards for professionals involved in the completion of inventories, and Public Archeological Laboratory has been done for the cultural landscapes so I would not characterize it as what I chose or my completion.

Q: Understand. I'm speaking of the royal "we," I guess.

A: (Widell) Okay. So I think you had a second part of that question.

Q: Yes.

A: (Widell) Could you please repeat it so I can answer it for you.

Q: I'd be happy to, and I'll rephrase it slightly.

The Applicant has submitted the identifications of Historic and Cultural Resources at this point, but there's the potential under this Programmatic Agreement that there could be additional investigations required or recommended?

A: (Widell) Yes, with an undertaking of this size, and once again, I may have to turn to my colleague, Dr. Bunker, it is always possible that you missed something. Most often in my professional experience it has to do with
Q Okay. Thank you. And if we could go back two pages, please? 16. So now I'm showing you, we're still within Applicant's Exhibit 204, the Programmatic Agreement, and this is page 16, and it's paragraph 2. I lost track of the exact outlining phase there, but it's the paragraph that's labeled number 2 here. And it here directs Northern Pass to prepare a Work Plan prior to carrying out the identification investigations. Would I be correct in assuming that that has already occurred?

A (Widell) My understanding is that a Work Plan has been developed and submitted to the Department of Energy as of last year.

Q Last year. Okay. And that would be before the investigations were completed as called out here?

A (Widell) Yes.

Q Were you involved in creating that document?

A (Widell) No.

Q Do you know who was?

A (Widell) No. I do not.

Q Okay. And do you know what is included in that
Work Plan?

A (Widell) No.

Q Okay. Do you have an understanding of what the purpose of that Work Plan is?

A (Widell) The purpose was to fulfill the recommendation in this Programmatic Agreement to do a Work Plan.

Q Okay. And is it your understanding that there is a continuing role for that Work Plan at this point in the Section 106 process?

A (Widell) I'm not sure.

Q Okay.

A (Widell) Because the identification has pretty well been completed through the direction of the DHR in consultation with Department of Energy, but it certainly would dictate any future identification activities according to this Programmatic Agreement.

Q We're not going to go through all the details here, but this section of the Programmatic Agreement sets forth the process whereby the investigations that have already taken place more or less followed, but going forward, any additional investigations would follow through
this process within the broader 106 process?

A (Widell) Yes.

Q And it stipulates who is going to have times to
review submissions by the Applicant and when it
gets a final stamp from DOE and DHR is approved,
I guess approved isn't the right word, but if
they agree with the identification that's
presented by the Applicant?

A (Widell) Yes, because I wanted to just say not
exactly because, as you know, this is a
consultation process. It is not a permitting
process. So what is outlined is entirely review
and comment and consultation.

Q And at the end of the road, it's DOE that makes
a final decision about the identification of
resources as being eligible for the National
Register of Historic Places?

A (Widell) No.

Q Who makes that decision?

A (Widell) DOE recommends what is eligible and
then consults with DHR, and usually there is
agreement. If there is not agreement, there is
a process to pursue related to that.

Q And that's also something that that process is
also covered by the Programmatic Agreement?

A (Widell) Yes. And federal regulations.

Q Okay.

PRESIDING OFFICER HONIGBERG: Hang on, Mr. Aslin. Off the record.

(Discussion off the record)

Q Okay. And now we are skipping ahead, we were just speaking about stipulation 3, correct?

A (Widell) Yes.

Q And now I'm going to skip ahead to stipulation 4 which is titled Assessment of Effects on Historic Properties within the APE. And broadly speaking, this is the next phase within the 106 process. After identification is assessment of whatever effects there may be on those resources that have been identified, correct?

A (Widell) Yes. The effects are identified as three types.

Q We've had testimony on that.

A (Widell) Yes. Correct. Okay.

Q Go to the next page, please.

Okay. So in the middle of this, this is page 23 now of the Programmatic Agreement, and in the middle of the page under Section E 2 it
speaks to the appropriate effects documentation, and that directs you to create Effects Tables; is that correct?

A (Widell) Yes.

Q And that is what's been submitted recently. Well, there was some submitted prior, but we have gotten a recent batch that was Exhibit 196 B; is that correct?

A (Widell) Yes.

Q We're going to come back to those in a minute, but I wanted to flag it in the agreement.

Move to page 26, please. And then stipulation 5 which begins on page 26 addresses Resolution of Adverse Effects. Am I correct that that is the portion of the process that deals with avoidance/minimization and mitigation of effects?

A (Widell) Yes. I would clarify that often avoidance and minimization begins even prior to that Resolution of Effects as well.

Q Understood. This is the process to kind of take it to the end game.

A (Widell) Yes.

Q And on the next page which is page 27, there is
reference to a requirement that the Applicant prepare a HPTP which somewhere above is defined as the Historic Properties Treatment Plan; is that correct?

A (Widell) Yes.

Q And would you agree that that is the plan that gets into some of the details about mitigation efforts that may be needed for properties that have an adverse effect?

A (Widell) Yes. According to stip 5 A on the plan for resolution of adverse effects will be documented as part of it. So usually there is discussion about the properties that have adverse effects that cannot be basically changed through avoidance or minimization, and they, the decisions on how to deal with that would be documented as part of the Historic Properties Treatment Plan.

Q Would you agree that the Programmatic Agreement itself doesn't get into the details for specific mitigation of individual properties, and that's something that would be in the Historic Properties Treatment Plan?

A (Widell) Yes.
Q Has the Historic Properties Treatment Plan been created in this, for this undertaking?

A (Widell) I'm going to refer to my colleague, Dr. Bunker, regarding the Historic Properties Treatment Plan.

A (Bunker) The answer to your question is it has not been finalized. It has not been completed in whole. However, last year portions of it were in draft preparation as a starting point. The plan now will go forward and be completed as part of this Agreement.

Q Okay. And you said it will go forward. Is there a time frame for its completion?

A (Bunker) I don't know that.

Q Does the completion of the -- I'm going to use the acronym, HPTP, require a final determination of adverse effects by DHR and DOE before you can complete the plan?

A (Bunker) I'm really not sure of that sequencing. But the mitigation will be, the mitigation plans for the specific effects are part of what happens in Step II of the plan.

Q Okay. So if the plan is going to address mitigation of adverse effects, you first need to
know which effects, where there are adverse
effects; isn't that right?

A  (Bunker) Yes.

Q  And that determination is something that is done
through DOE and DHR within the 106 process,
correct?

A  (Bunker) Yes.

Q  So until that determination is made within the
106 process, you wouldn't be able to have a
final HPTP to address mitigation of adverse
effects?

A  (Bunker) That's correct.

Q  Okay. And at that point, there is no final
determination from DHR and DOE on adverse
effects for the entirety of the Project.

A  (Bunker) Not to my knowledge.

Q  Ms. Widell, do you agree with that?

A  (Widell) Yes.

Q  Okay. So we heard a lot about the Programmatic
Agreement during your testimony a week or so
ago, maybe a couple weeks now, as addressing
these mitigation issues for specific properties,
but if I'm understanding correctly, it's really
the HPTP which is a subset or follow-on to the
Programmatic Agreement that will have that
detail in it; is that right?

A (Widell) Yes.

Q Okay. And I believe, Dr. Bunker, you indicated
that you're not sure when that plan may be
complete.

A (Bunker) I don't know the dates, no.

Q Since you're answering that question about the
plan, am I correct to assume that you've been
involved to some extent with the drafting of
that plan?

A (Bunker) Yes. I was involved last winter in
preparing information at the request of Mark
Doperalski.

Q Is Mr. Doperalski the primary person working on
that plan for the Applicant?

A (Bunker) To my knowledge, he is.

Q Okay. Thank you. At this point in the process,
would you agree that we have the Applicant's,
specifically, your recommendations about where
there may be adverse effects from the Project,
but we don't have a final determination from DOE
and DHR, and we don't know what specific
mitigation elements may be recommended or
proposed for those adverse effects? Is that a
correct summary of where we stand?

A (Widell) Yes, but let me explain. The Effects
Tables were completed not by myself alone,
although I fully participated in the completion
of them. They were, the Effects Tables
themselves were designed by DHR, basically, and
given for their completion and working with
Preservation Company on the Effects Tables,
professionals in the field completed them.

Q I understand that you're not solely responsible
for all those decisions.

A (Widell) Thank you.

Q I'd like to turn now to -- I want to touch on
one other part. Sorry.

Within the HPTP, do you agree that there
are subplans or specific plans that are part of
that broader document? And I can direct you to
the next few pages of the Programmatic
Agreement. On the bottom of the page that we're
looking at it says it will include plans for
monitoring, unanticipated discoveries and
training of NPT personnel which will be
stand-alone appendices to the HPTP?
Yes. And I'm sure that's why Dr. Bunker was involved because the archeological resources, those are areas that are important. They're also important for above ground resources in this particular Project.

Yes, and if we flip ahead to the next page, there's a number of detailed requirements for the monitoring plan, and then on the following page, 29, Requirements for an Unanticipated Discovery Plan, and for a training plan. And those are all details about how the Applicant will handle historic and cultural resources going forward within the 106 process; is that correct?

Yes.

Yes.

And we, at this point, have any of those plans been finalized?

No.

No.

Do you have an expectation of when they may be finalized?

The schedule hasn't been set. I don't know if there is a date.
Q  That's fair enough. Can you estimate that it is
going to be finalized within the next six
months? Or a year? Ballpark? Anywhere within
that range?
A  (Bunker) I'm sorry. It's not my decision. I
don't know. I would hope sooner rather than
later.
Q  Fair enough. But it could be a year from now?
A  (Bunker) I don't know.
Q  You don't have enough information. Okay.

Now I'd like to shift gears a little bit
and move into the discussion of the cultural
landscapes. If I understand correctly, Ms.
Widell, the DHR at some point during this
process requested that the Applicant conduct
studies of potential cultural landscapes within
the Project area?
A  (Widell) Yes, but let me clarify that. The
first mention of them came from the Project Area
Forms that were completed by the Department of
Energy. In those Project Area Forms, there were
two study areas that were identified. They were
the Pemigewassett River Valley and the Suncook
River Valley, and Public Archeological
Laboratories were identified by Northern Pass to complete those cultural landscape reports to see if there were, in fact, any cultural landscapes in those two study areas.

Q Okay. Thank you. And at some point, that expanded to a five different study areas; is that correct?

A (Widell) Yes. In January of 2017, a meeting was, a public meeting was held with the consulting parties, and three additional study areas were added. They were the Ammonoosuc River Valley, the Great North Woods, and Deerfield, and there was information provided to, and I'm now going to use the term PAL which is the consultant that completed the cultural landscapes, from local historians and included letters, emails, local documents, suggestions for information and provided to PAL to take into consideration in the completion of the study area for cultural landscapes.

Q Thank you for that clarification. The PAL, Public Archeology Laboratory, I'll stick with PAL, I think you just said conducted all five of those studies?
Q Did you have a role in the creation or the development of those studies?

A Yes. I participated and reviewed and commented and also visited them. Yes.

Q Okay. And those five studies have been submitted as Applicant's Exhibit 211, I believe.

A Let me clarify for you. The study areas were quite large, except for Deerfield, but they were quite large, and from those study areas then there were specific areas that were identified as cultural landscapes. Those that were in or proximate to the area of potential effects for the Northern Pass Project, and those that were within the study area but not in any way close or proximity to the area of potential effect. So there were ten cultural landscapes out of those four study areas that were identified, and I believe you know that Deerfield, it was decided that Deerfield did not warrant completing a cultural landscape study.

Q All right. You got ahead of me, but that's fine. So to summarize, there were five. You identified the five study areas?
PAL conducted the studies and identified within four of those study areas a total of ten cultural landscapes, potential cultural landscapes that are in or adjacent to the APE.

Then in addition to those ten, I counted between 13 and 16 additional potential cultural landscapes that were recommended for future study because they were outside of the APE. Is that correct?

And those, all that information is outlined in great detail within the cultural landscapes studies which are Exhibit 211?

For the ten cultural landscapes that were identified or potential cultural landscapes, you then went on and conducted an assessment of effects and produced Effects Tables; is that correct?

A (Widell) Not exactly. We did do Effects Tables
for the cultural landscapes, but the first thing that really was done was better understanding the significance, integrity, boundaries, important elements of the cultural landscape for each of those ten and their proximity to the area of potential effect. So we first really understood the integrity and significance of each and every cultural landscape, and I reviewed each of those and once again visited those areas.

Q Is that the information that is contained in the different volumes of the studies?

A (Widell) Yes.

Q I want to take a look at one of those cultural landscape studies, and this is, yes, this is the Ammonoosuc River cultural landscape, or sorry. Back up. The Ammonoosuc River Valley study area report or study. This is Volume 1 which addresses the broad study area. And I want to take a look first at what is a cultural landscape because that's a little harder to understand than a general historic resource where you're talking about a structure or an archeological site.
So what I'm showing you here is part of the study report by PAL, and it's the definition of a cultural landscape, and I'll just read it into the record, and everyone can think about it for a second, but it says, "A cultural landscape is a reflection of human adaptation and use of natural resources and is often expressed in the way land is organized and divided, patterns of settlement, land use, systems of circulation, and the types of structures that are built. The character of a cultural landscape is defined both by physical materials, such as roads, buildings, walls and vegetation, and by use reflecting cultural values and traditions."

Did I that read that correctly?

A (Widell) Yes.

Q And that's part of the National Park Services' guidance document on cultural landscape, right?

A Yes.

Q So I've read that several times, and it seems very broad and not 100 percent clear what is encompassed by cultural landscape. It seems to me that it is something broader than a district where you have a group of structures perhaps
that are identified together because it speaks to natural resources, organization of land, systems of circulation. Can you summarize what you understand a cultural landscape to be and how it relates to what sort of we would maybe call a more additional historic property?

A (Widell) Let me make sure I understand your question. Would you like me to compare it, say, to a Rural Historic District which is traditionally the type of property, if you will, that in New Hampshire has been used for larger vernacular areas?

Q Sure. That would be a good start.

A (Widell) There are actually very similar, and the Rural Historic District guidance is used in the identification and understanding of cultural landscapes. Cultural landscapes may also include natural features, they might also include land in between the buildings, but they have concentrations of historic buildings. And what is very similar, of course, is that you are still using the same criteria for integrity and significance that we talked about previously when I was here testifying before for individual
Did that help?

Q Somewhat. So would you agree that a cultural landscape can include, features I think is the right word, but correct me if that's not, features that are not by themselves a historic property?

A (Widell) Could you give me an example?

Q I'm thinking of things like where it says in the definition of patterns of land use or systems of circulation.

A (Widell) Patterns of land use. Good example in New Hampshire would be the range road system which is a pattern of the way land was divided during settlement periods. Land use, obviously fields, farm fields, versus a mining district where the use of land would be very different. Those are two examples of land use that would have patterns that you would be able to read in the landscape and identify because you'd be able
to say oh, this is a different way of using the
land or the land has been divided or even
getting around it which is circulation patterns.
Q Okay. And that's roadways and different, what,
okay.

Am I correct in my understanding that a
number of fields together may not be historic
but when you look at how they relate to each
other and associate together with historic
properties but also just a way to look at the
history of our state that that can then become a
cultural landscape?
A (Widell) It really depends upon the presentation
of those things that are in the definition that
the Park Services give.
Q And again, you need significance and integrity
in order to be a landscape?
A (Widell) Yes.
Q I think another way that, what I'm trying to get
at is there are certain contributing resources
or features that make up the pieces of the
cultural landscape, right?
A (Widell) Yes.
Q And not all of those would necessarily by
themselves be historic properties or historic resources individually?

A (Widell) That is true. They might be features, character defining features, that contribute to significance, but they might in and of themselves not be. Yes.

Q And the flip side of that, there may be contributing resources within a cultural landscape that are individually historic resources.

A (Widell) Yes.

Q And so we're looking at some conglomeration or association of those different features and historic resources that relate to each other in the way that reflects the history of that region.

A (Widell) Yes.

Q Okay. So I want to start looking at some of the specifics of the different landscapes that were identified. And this I'm showing you now is Figure 5-1 from the Ammonoosuc River Valley Study Area Report which is Applicant's Exhibit 211. I'm not sure which tab it is, but it's in there. And this is a map of the study area
that's the dark black line that goes around the big parcel shown on the map, and then there are two cultural landscapes identified in the center. Is that correct?

A (Widell) Yes.

Q So those were the two cultural landscapes or potential cultural landscapes identified within this study area that are in or adjacent to the APE.

A (Widell) Yes.

Q And they are the Gale River Cultural Landscape and the Ham Branch River Cultural Landscape.

A (Widell) Yes.

Q Okay. And then jumping ahead a few pages to Figure 5.2, these are the two potential cultural landscapes that were identified for or recommended for future study but are not within or adjacent to the APE; is that correct?

A (Widell) Yes.

Q And that's the basic format for all of the studies. They looked at those that are within the APE and those that are without?

A (Widell) Or in close proximation, yes.

Q Okay. So with that kind of high level
background, let's look at the Ham Branch River Cultural Landscape.

So this is a map from, believe it's Volume 2 of the Ammonoosuc River Valley Study Area that shows specifically the Ham Branch River Cultural Landscape; is that correct?

A (Widell) Yes. This is, I have Figure 2. --

Q Figure 2.1?

A (Widell) You have Figure 2.1.

Q It's on page 5, Volume 2.

A (Widell) I have it. Thank you. Yes.

Q So this shows the outline of the cultural landscape area and also identifies some of the contributing resources within the cultural landscape; is that right?

A (Widell) Yes, but let me explain. They are more contributing elements, yes, is what they were, yes.

Q Contributing elements as opposed to resources?

A (Widell) Well, for purposes of this discussion they are the same.

Q Okay. And this also shows patterns of land use to some extent where it shows agricultural land, wooded land, trails and other aspects of the
landscape?

A (Widell) Yes.

Q That's important in a cultural landscape because it goes to the discussion we had before; these are all features that relate to each other to show the historic association of this area?

A (Widell) Yes, and it might also show modern development, modern intrusions where they're not likely to be contributing resources or contributing elements, yeah.

Q Okay. Okay. I lost track of what page this was because it's farther down in the report. And this is a section of the study report that is talking about visual character and intangible qualities. Are those aspects of the cultural landscape that kind of go into that higher level review other than looking beyond just the individual resources within the landscape?

A (Widell) I want to understand your question so I can answer it accurately. Can you help me clarify it?

Q Yes, I'm trying to understand what intangible qualities are for a cultural landscape.

A Intangible qualities go directly to the
integrity test of feeling, for one thing, particularly, and feeling is where, is the property able to convey its significance, meaning in laymen's terms, could you understand and learn from place, learn about the history of place by being in that location. Are there enough qualities and integrity in that place so that you can actually see what it might be like in the late mid 19th century at that farm.

Q Okay.

A (Widell) Okay?

Q Yes. That's helpful. Thank you. And this speaks to both land use and natural resources of the area as well as patterns of development and circulation, the roadways; is that correct?

A (Widell) Yes.

Q Those are all components to what makes it a cultural landscape.

A (Widell) They're actually describing the character of this particular cultural landscape, yes.

Q And it also speaks to recreation and tourism-related resources and agrarian resources?
A (Widell) Yes. It says that. Um-hum.

Q And are those referenced here because they are some of the character defining features of this cultural landscape?

A (Widell) Yes. And also it is information related to the history and land use patterns, yes.

Q Okay.

A (Widell) What the properties were used for, yes.

Q And then for each of those cultural landscapes that were identified, because they were identified as cultural landscapes, there was a determination that they have some significance and integrity, and the significance could be under any of the four criteria, A, B, C and D?

A (Widell) Yes.

Q I'm not going to go through that for each of these, but am I correct that it's safe to assume that because these have been identified in the view by PAL were found to have significance and integrity?

A (Widell) Yes.

Q I'm going to turn now to take a look at the Effects Table for this cultural landscape which
is part of Applicant's Exhibit 196 B. I'll give 
you a second to find it.

A (Widell) I have it. Thank you.

Q There's one of these Effects Tables for each of 
the five cultural landscapes that were 
identified, correct?

A Yes.

Q And who created the Effects Tables?

A (Widell) DHR.

Q DHR.

A (Widell) Yes.

Q Did they create them on their own or did they 
have input from the Applicant and its 
consultants?

A (Widell) The Applicant prepared a draft and 
submitted it to DHR, and there were discussions. 
I participated in some of those discussions.

Q And so for each Effects Table there is a 
finding, a recommended finding of whether there 
is an adverse effect or no adverse effect, 
right?

A Yes.

Q Is that finding recommended by DHR at that 
point?
A (Widell) No. DHR has not reviewed the Effects Tables at this point.

Q Okay. But I think you just testified that they created the Effects Table.

A (Widell) Yes. I'm sorry if I didn't make it clear. They have, they created the format. The language. The numbering system. They incorporated the definition of an adverse effect from the Section 106 process in the federal regulations and then all of the examples that needed to be gone through and considered for each historic property or in this case cultural landscape. Does that help?

Q Yes. Thank you. That was my understanding as well.

A (Widell) And there were photographs and maps and that sort of thing --

Q Yes.

A (Widell) -- that needed to be included.

Q So DHR has a form and a sort of procedure that you, you being broadly, the Applicant and its consultants, followed to create these actual documents that were submitted as Effects Tables?

A (Widell) Yes. DHR had requested that the
information be provided in a particular format. To my knowledge, this is the first time, but --

Q Okay.

A (Widell) In this particular format. It's new. Although the questions and everything are standard for determining adverse effect.

Q Okay. And then was it PAL then that compiled this information in this format?

A (Widell) No. Preservation Company and myself participated in this review.

Q Okay. Thank you. And so you, am I correct in assuming that you relied on the studies performed by PAL in part in developing these Effects Tables?

A (Widell) Yes. And in some cases, certainly there were a number of historic properties that were incorporated into the cultural landscapes that we were familiar with from the submission of the assessment report in October of 2015 and then subsequent inventory forms that were completed as well.

Q For each of these Effects Tables, there's sort of the form on page 2 which we can show you. And then there's a description and a set of
identification of properties with historic features in or near the APE. Is that correct?

A (Widell) In this particular Effects Table, what was used was a table that identified individual historic properties or features on the landscape that might be affected by the underground. And so we took a look at each one of those particular features and displayed them in a table. That was done for all of the cultural landscapes for the underground section of the Project.

Q Thank you. So that starts on page 4 of the Effects Table.

A (Widell) Yes.

Q Thank you. That's specific to the direct APE, the 20-foot from edge of pavement area?

A (Widell) Yes.

Q Okay.

A (Widell) But obviously they're, yes. Yes.

Q And it says that the table below identifies those properties with historic features in or near the direct APE. Is this a complete list of all properties with historic features within the APE?
Within the direct APE. Yes. We believe that it is comprehensive.

Okay. And in this, for the Ham Branch River cultural landscape, which we didn't really talk about it, but it runs through kind of the southern portion or southwest portion of Franconia down Route 116 through Easton; is that correct?

Yes. That is on page 9 under number 4, the relationship of the Project to the property. Yes. And we have precisely how many linear miles that is.

Yes. And then there's maps included in the Effects Table as well.

(A) Yes.

Okay. So sticking with page 4 here, this table of properties that are in or near the direct APE, there are several that appear to be very close to the roadway. So, for example, the second one on the page is a barn, and it says it is sited close to the road and the entire long side is within the APE. So do I understand correctly that the edge of that barn is actually within the 20 feet of the pavement for this
Q Okay. And then there's four or five pages of these identifying properties that are within the APE. And some of those are stone wall features, some of them are structures, some of them are mature trees, and other historic features, all that are within the APE?

A (Widell) Yes.

Q Okay. So if we go back to page 2, the table on the evaluation table, I guess I will call it, in that first box under evaluation on the right-hand column, it indicates that signs and property markers, building facades, steps and stone walls are located within the APE. Is that referring to those features that are shown in the next several pages?

A (Widell) Yes, it is.

Q And then it goes on to say, "but direct effects of those features will be avoided by Project design."

A (Widell) Yes.

Q So in your and Preservation Company's assessment of the effects, you've determined that the
Project will avoid interacting with any of those properties that are within the 20-foot APE?

A (Widell) Yes.

Q Are you aware that at this point in the process the final design for the Project has not been completed?

A (Widell) Yes.

Q Are you aware that the Project may or may not go outside of the bounds of the roadbed itself into the shoulders?

A (Widell) Yes.

Q And are you able to say, given that there's no final design, are you able to, how are you able to say with assurance that all the properties that are within the APE will be avoided?

A (Widell) Well, we have provided this information to the design engineers. There is also a provision that if there is any disturbed areas, and you will see it is in the same block on the last sentence, we'll be restored to preconstruction conditions. So we will avoid, our first choice, of course, these features. If that's absolutely not the case, we will restore the disturbed areas to preconstruction
conditions.

Q Are you able to do that in all cases? Restore mature trees that are cut down that may have, be part of the setting of the feature within the cultural landscape?

A (Widell) I don't believe that we had identified any trees.

Q I think there may be one in the next cultural landscape. We can get back to that. But if you, with regard to the barn we took a look at, if Project engineering requires that that area be disturbed, how in your experience would that be handled? Would the barn be removed and then replaced?

A (Widell) That's actual conjecture. I can't speak to that right now.

Q Well, in your experience, have you ever dealt with an effect to a historic resource that requires it's, I mean, if the Project has to go through that part of the barn, it would either be destroyed or there would be some other mitigation that would be done. In your experience, what types of mitigation are possible?
A (Widell) This is kind of a conjecture.
Q For any structure that might be within the path?
A (Widell) For anything. Moving comes to mind. But having worked with this Project and these Project engineers in discussions, I think that they would go to a great deal of effort to avoid this historic property.
Q Okay. So when you state that any disturbed areas will be restored to preconstruction conditions, if you're in a situation hypothetically where engineering requires that the Project is going to go through a structure like this barn that we were looking at, that may not be possible to restore it to its preconstruction conditions?
A (Widell) Not necessarily. It may be moved or it may be moved and moved back. You know, I'm not going to speak precisely about this barn. I'm giving you examples from previous experience.
Q Okay. Would you agree then that at this moment we don't know which of these properties will potentially have a direct effect because we don't know the final engineering?
A (Widell) No. I wouldn't agree with that.
So why do you not agree with that statement?

Because our Project design will avoid these features that have been identified in the final design.

Okay. Is that commitment something that is documented anywhere other than in this Effects Table?

I cannot speak to that, but I do know that this information has been provided to those completing the final design.

Fair enough. Farther down in the evaluation table here, under paragraph V, I guess, which deals with the introduction of visual, atmospheric or audible elements that distinguish the significance of the integrity of the property's significant historic features, your evaluation or your Preservation Company's evaluation is that temporary construction impacts consulting from Project construction will not differ from those experienced in typical state and local road construction projects. That statement, I can understand how it might relate to visual impacts, but it
doesn't actually state there will be no visual impacts, does it?

A (Widell) It does not state that.

Q Is it your opinion that there will be no visual impacts to properties within the cultural landscape?

A (Widell) Yes.

Q And does that opinion include understanding that the engineering of the Project may require some vegetation removal along the boundaries of the roadway?

A (Widell) I want to clarify your question there. Vegetation removal wouldn't necessarily cause a visual adverse effect. You're making that assumption in your question.

Q No. I wasn't assuming it would have a visual effect.

A Okay.

Q I'm asking if you considered the possibility of vegetation removal.

A Absolutely. Yes.

Q Are you aware of the specific portions of the Project where vegetation will be removed?

A (Widell) In this particular area or other
portions of the Project?

Q In this particular area, within the Ham Branch River Cultural Landscape.

A (Widell) It was considered in our identification of character defining features. Yes.

Q When you say it was considered, you mean vegetation removal was considered? And then you said in your assessment of character defining features. Did I get that correct?

A (Widell) Okay. I want to clarify this because some things are, you're identifying historic character defining features that might be affected by the Project. When you're doing an Effects Table, you're determining whether there's an adverse effect being caused by the Project. There might be bushes that are not contributing to the character of the historic resource. I cannot give you precisely an example. So if there were historic features of the setting that were identified, they would have been part of this discussion in the identification of character defining features that would be affected by the Project. I don't want to use too much language.
Q I think you've answered the question. Thank you.

A (Widell) Okay.

Q But at this moment in time, you do not have specific information about what vegetation will be removed during the construction of this Project, do you?

A (Widell) No. Not precisely.

Q Okay. Thank you. The table that it appears on pages 4 through 8 of the Effects Table, we talked about a little bit. That's the listing of properties with historic features that are in or near the direct APE, correct?

A (Widell) Yes.

Q I think there are 19 or 20 that are listed for this cultural landscape.


Q Thank you. In the cultural landscape study that was performed by PAL, there is a list of resources that are within the area of -- not visual. In this case if you could, in the middle of this bottom paragraph which is on page 52 of Volume 2 of the Ammonoosuc River Valley
Study which is part of Applicant's Exhibit 211, PAL identified, quote, "The following identified resources are located within or immediately adjacent to the APE for the Northern Pass Project," and then there is a listing of a number of resources.

A (Widell) Yes. I see that.

Q When I tried to compare this list to the table that is in your Effects Tables, I couldn't match them up. In fact, the addresses that are listed here, there are some that match, but not all. Could you explain why there's a discrepancy between the two lists?

A (Widell) Yes. The Effects Table is actually precisely the character defining features that would be affected potentially by the underground. There may be some properties that would not potentially be affected once we made an actual site visit to the property.

Q So where PAL created this list, are you testifying that this list includes properties that do not have character defining features?

A (Widell) No.

Q Okay. Clarify for me what you're trying to
A (Widell) They may not have character defining features that upon visiting them were in close
proximation to the underground APE.

Q Okay. So the distinction being the identified resources may be within the APE but character defining features of those resources may not?

A (Widell) Correct. It might be affected by the Project. Some of them may not have a stairway that's within the direct APE. They may sit back sufficiently from the roadway, not to be affected, although they are in the APE. Does that help?

Q Are we talking about direct and indirect APE?

A (Widell) No. Your house has a front stair. You can look at that table. You can see them. That is in close proximation to the pavement and obviously where the underground APE is. In that case, that particular house is likely to be where there could be a direct effect.

If your house does not have a set of stairs and sits back, it still is a historic building, it may be within an APE but doesn't have any
features out there by the pavement that would be affected. If you look at that table you'll see it has to do with fences and stairways and corners of buildings and front porches and facades. Okay?

Q  Okay.

A  (Widell) Does that help?

Q  Yes, it did.

PRESIDING OFFICER HONIGBERG: Off the record.

(Discussion off the record)

BY MR. ASLIN:

Q  So this is now moving on to page 9 of the Effects Table for Ham Branch River Cultural Landscape, and towards the bottom of the page, you discuss vibration and other temporary construction impacts. You state that those impacts from construction will not differ from those experienced in typical state and local road construction projects.

A  (Widell) Yes.

Q  And you state that no blasting is intended to be used. And then you reference a preconstruction condition survey of structures will be conducted
in accordance with the New Hampshire DOT
standard specifications relating to vibration
effects.

So I'd like to take a look at what those
standards are. Are you familiar with the
vibration monitoring standards?
A  (Widell) Yes. I am.
Q  And let me back up for one second. Within the
Ham Branch River Cultural Landscape, do you
understand that there will be horizontal
directional drilling for portions of the Project
along this area?
A  That was my understanding.
Q  As well as trenching for burial of the line?
Okay. And those are the types of construction
activities that might have vibration impacts.
A  (Widell) Yes.
Q  Okay. We've marked as Counsel for the Public
Exhibit 489 the Section 211 from the standard
specifications that you referenced. Do you
recognize that which is appearing on the screen?
A  (Widell) My copy of it is slightly different.
Q  I'll represent this copy came off of New
Hampshire DOT's website. Downloaded it. So it
may be a different version. This is a 2016 version.

A (Widell) This is 2016. It's Section 211. It just, it seems to have different numbering, and --

Q Let's try walking through it and if you see something that's materially different from your version, we can discuss that.

A (Widell) I think that's fair. Thank you very much.

Q As I read through this to try and understand it, I understand that under this specification there will be a vibration consultant brought on to look at potential effects of vibration?

A (Widell) Yes, and that actually is the person that I have. Mine begins at 3, down underneath the construction requirements, 3.23. So yes.

Q Okay.

A (Widell) Vibration monitoring plan.

Q So there will be a vibration consultant, and they will come up with a vibration monitoring plan. Is that correct?

A (Widell) Yes.

Q And it says at the end of Section 3.2 that the
construction activity shall not begin until the plan has been approved. Who approves that plan?

A (Widell) I do not know.

Q Okay. Would it be a safe assumption to say that it's probably New Hampshire DOT?

A (Widell) I cannot speculate.

Q Neither can I actually so I don't know the answer.

Section 3.21 talks about conducting a test program to establish the allowable vibration limits subject to approval. Have you in your experience been involved with vibration monitoring plans such as this one in other Projects or dealing with other historic resources?

A (Widell) No. Not such as this one precisely. But I have been involved in some Projects that have had vibration concerns for historic buildings, yes.

Q Okay. And it goes on to specify some things that should be included in the plan, and if you look at Section 3.2.2(d) in the middle there it says there's going to be a recommendation for structures, utilities and all other facilities
as to whether they'll require a pre and post
coloration condition survey, and it says
relevant to what we're talking about, this
recommendation shall pay particular attention to
historic structures, structures in poor
conditions, et cetera. So part of this is to as
I understand it, assess whether there may be
vibration impacts to historic structures in the
vicinity of construction. Is that correct?

A  (Widell) It appears that is the intention, yes.
I do not have this portion on the piece of, the
Section 211. As I said, mine begins at 3.2.3.
My copy.

Q  Okay. And is that the purpose of your reference
to these specifications in your Effects Table?

A  (Widell) It was referenced to the Section 211
provision, yes. If there is an indication that
there may be vibration, this is the method that
would be dealt with, yes.

Q  Section E which you may or may not have under
3.2.2 says. "Recommendations. If it is
determined that the proposed construction
activity could not be reasonably implemented
without exceeding vibration limits that are
necessary to protect adjacent facilities." The grammar is a little funny there, but I take that to mean that there could be a situation where the vibration consultant would say you can't perform the particular construction that you wanted to in this location because it may exceed vibration limits. Is that your understanding?

A (Widell) That's what it says, yes.

Q And then the next section, 3.2.3 at the top of the next page goes on to say, "The engineer may require modifications to the submittal to include but not limited to surveying and monitoring of additional structures, a number of monitoring sites and the distances for monitoring."

So it seems to me that part of this specification is an iterative process of assessing the impacts of vibration, and in order to prevent any vibration impacts to any structure but in particular here, historic structures, there is some authority given to some unknown entity to require modifications to the Project or at a minimum to stop the Project temporarily while they figure out what to do.
If we go to the third page, indeed Section 3.8 at the top, it says in the second sentence, "If the monitoring data indicates that the ground vibration limits for any of the three mutually perpendicular components have been exceeded, the contractor shall cease the particular construction activity and submit a written report giving corrective action."

So again, this seems to suggest that if vibration becomes a factor, the Project could halt and there may have to be changes to the engineering developed, and am I correct that by referencing this section, you are asserting that if there are any potential vibration impacts to historic properties that they'll be dealt with through this process?

A (Widell) Yes. That is the, yes, that is the commitment. Yes. To avoid adverse effects to historic properties or their character to final features, yes.

Q Okay. Thank you. Are you aware of whether this vibration monitoring specification applies to horizontal directional drilling?
Q And then looking at this, your evaluation for this cultural landscape, your recommended finding was no adverse effect, correct?

A (Widell) Yes.

Q And if I read your Effects Tables correctly, the basis for that is because you found there would be no visual impact and that all direct impacts will be avoided.

A (Widell) Yes.

Q And again, we've discussed that the Project's final engineering hasn't been determined yet or finalized at this point, but your assertion is that the Applicant will find a way to avoid all effects.

A (Widell) Yes.

Q Okay. Thank you. Off the record.

(Discussion off the record)

PRESIDING OFFICER HONIGBERG: Why don't we take a ten-minute break.

(Recess taken 3:36 to 3:56 p.m.)

PRESIDING OFFICER HONIGBERG: Mr. Aslin, you may continue.

MR. ASLIN: Thank you, Mr. Chairman.
BY MS. ASLIN:

Q I'm going to shift gears to the Gale River Cultural Landscape which is the second of two identified cultural landscapes within whichever section we're on. The Ammonoosuc River Valley Study Area. Okay. And so I've put up on the screen the map for the Gale River Cultural Landscape, and you can see it stretches from parts of Sugar Hill down through Franconia and through the downtown area of Franconia. Is that correct?

A (Widell) Yes.

Q That's part of Route 18 and this section of the Project is underground. Correct?

A (Widell) Yes.

Q And, again, the map here shows a number of contributing features that are part of the cultural landscape?

A (Widell) Yes.

Q Okay. That gives us our context. Similar to the Ham Branch River Cultural Landscape, you completed an Effects Table, and that is here as part of Applicant's Exhibit 196 B; is that right?
A (Widell) Yes.

Q Okay. And it's the same format, correct? You've got a, second page has an evaluation table and then you have a description, and then you have your table of properties with historic features in or near the direct APE.

A (Widell) Yes.

Q And again, those include properties that have character defining features that are within 20 feet of the roadway that have the potential, the theoretical potential to be impacted?

A (Widell) Yes.

Q Okay. And I wanted to direct you to page 5. And the third one down, you'll see, you've listed there are mature trees along the sidewalk and edge of the street that abut the APE. And then if we flip to the second, the next page, page 6, again, in the middle picture you've identified mature pine trees that front the property named Pine Haven that are within and abut the APE.

A (Widell) Yes.

Q Are these two examples where the trees themselves are character defining features?
A  (Widell) Yes, they are.
Q  In this case those trees, those mature trees or both of those cases are within the 20-foot direct APE?
A  (Widell) Yes.
Q  And again, if for some reason, hypothetically, engineering said we can't put this anywhere but through those trees, then there would be a direct effect to those two properties or there would be a direct effect to the cultural landscape?
A  (Widell) Yes. But it's unlikely that New Hampshire Department of Transportation would allow that to happen.
Q  Understood. But it's a possible, it's a potentiality. Unlikely but it's a potential. And, again, we don't at this point know the final design of the engineering for the Project. So we can't say with a hundred percent certainty where the line is going to be buried along this route, correct?
A  (Widell) Yes. The design has not been finalized.
Q  And if we flip back to page 2, again, you've
made similar findings here as to the last cultural landscape where you find that there are features within the direct APE, but you state direct effects on these features will be avoided by Project design and that any disturbed areas will be restored to preconstruction conditions.

A (Widell) Yes.

Q And again, you find no visual diminishment of integrity.

A (Widell) Yes.

Q And because of those two findings that, you're finding that there will be no direct effect to the features within the APE and no visual impact you've identified or you and Preservation Company have identified no adverse effect for this cultural landscape, right?

A (Widell) Yes.

Q And the same issue with regard to vibration for this landscape as well? Because it's an underground section, correct?

A (Widell) I do not believe that we thought that there would be any vibration. It's not specifically referenced but should that arise, yes.
Q On page 7 you do reference this specifications from DOT for the Section 211 vibration.
A (Widell) Yes. Thank you. It's in a different place. Thank you.
Q Not a problem. So safe to say this, the assessment of effects here and the potential impacts or lack thereof in your opinion are similar to the Ham Branch Cultural Landscape because it's also undergrounded?
A (Widell) Yes.
Q And it's the same set of assumptions or findings that lead you to that outcome?
A (Widell) Yes.
Q Okay. Let's now turn to the Pemigewassett Study Area which included two identified cultural landscapes, the first being the Franklin Falls Dam/Hill Village Cultural Landscape.
And so I'm showing you Table 2.1-A which is part of Applicant's Exhibit 211. I believe this would be in Volume 2 of the Pemigewassett Cultural Landscape Study Report. And again, this, it goes on to the next page going north, but this identifies the area that is included in the cultural landscape for the Franklin Falls
Q  Dam/Hill Village Cultural Landscape, correct?
A  (Widell) Yes.
Q  In this case, that includes a few different subsets of resources or features. In the south we have the Franklin Falls Dam complex, and then at the top of the page here we have both the Old Hill Village and the New Hill Village area of the landscape. Is that correct?
A  (Widell) Yes.
Q  And as I understand it, this landscape was in part significant because of its history as an area of flood control management?
A  (Widell) Yes. It is.
Q  And the Old Hill Village was a village that had to be abandoned and a New Village created because of the likelihood of it being flooded; is that correct?
A  (Widell) Yes.
Q  Would you agree that this cultural landscape also is significant because it has designed features? In this case, the New Hill Village is a designed village?
A  (Widell) Yes. I believe it is significant under Criteria A for community planning and design.
Yes.

Q Okay. And then also I believe it references in the PAL report that there are designed recreation areas within the designed landscape?

A (Widell) Yes.

Q Let's take a look at that. Is that what's reflected here in the study report by PAL that there are designed recreational areas, landscapes?

A (Widell) Yes.

Q And then there's a list of them down at the bottom of the highlighted section?

A (Widell) Um-hum.

Q And where the significance comes in part from designed natural resources or recreational areas, would you agree that views from those recreation areas are character defining features?

A (Widell) They may be, yes.

Q Would that apply generally to this entire cultural landscape or at least portions of it where there are views that are part of the designed elements of the landscape?

A (Widell) Most likely related to the recreation,
yes. Not so much to the archeological values of
the Old Hill Village.

Q Okay. With regard to the Village, would you say
then that the setting is part of the character
defining feature?

A (Widell) Yes.

Q Okay. Now, we're looking at the Effects Table
for this cultural landscape, and that's part of
Applicant's Exhibit 196 B, and, again, this is a
little different for effects because it's an
aboveground section of the Project, correct?

A (Widell) Yes.

Q So we're not dealing with the 20-foot APE
anymore. We're dealing with a bigger APE, the
whole right-of-way width, and then a larger
indirect APE as well going out a mile to either
side of the right-of-way?

A (Widell) It's a mile on either side of the, yes,
the Project, yes.

Q Okay. Thank you. In this case, you again, you
and Preservation Company who created the Effects
Table came to the recommended finding of no
adverse effect for this cultural landscape?

A Yes. We did.
Q And is that largely because there's in your opinion only limited visibility of the Project?

A (Widell) No. It is because the visibility does not diminish the character, the significance of the property in a way that it would make it no longer eligible for the National Register.

Q Okay. In the column on the right here, in the section about Visual Impacts, you say, "Although there will be views of the Project from certain locations in the cultural landscape, they will be limited by topography, vegetation and distance and will not be extensive enough to diminish the cultural landscape setting for landscape."

So when you say it doesn't diminish the significance, that's because you found that the views are of limited nature.

A (Widell) Yes, and the significance of the property in this case, its primary significance is related to the flood control project, the dam, the new Hill town and the old Hill town and yes, the recreational properties contribute to that significance, but its primary significance has to do with the Franklin Falls Dam.
Q: You performed or let me ask it a different way. There was viewshed mapping used to assess the visual impacts to this cultural landscape; is that correct?

A: (Widell) Yes. We used viewshed mapping, yes.

Q: And that viewshed mapping relies in part on vegetative screening?

A: (Widell) Yes.

Q: Incorporates vegetative screening?

A: (Widell) Yes.

Q: I believe it states in your Effects Table that you also used 3-D modeling to assess what may or may not be visible from various places within the cultural landscape.

A: (Widell) Yes, and there was also some photo sims in the back for Hill.

Q: In addition, you relied in part on Mr. DeWan's photo simulations?

A: (Widell) Yes.

Q: And visual assessment. So going back to the viewshed mapping and the 3-D modeling, did that modeling incorporate leaf-off conditions?

A: (Widell) Could you repeat that? I want to make sure I get the precise --
Q  Certainly.
A  Thank you.  Sorry.
Q  That's quite all right.  Any time you need a
repetition, that's fine.

The question was in your 3-D modeling did
you take into account both leaf-on and leaf-off
conditions?
A  (Widell) No.  The 3-D modeling provides a tree
wall that is a conservative 40 feet.  It is
possible certainly to see the Project without
that in the areas where forest area exists, but
we did not use that precisely to analyze and
come to our decision on no adverse effect for
this cultural landscape.
Q  When you say didn't use "that," what's the
"that"?
A  (Widell) Not including where there would have
been forested areas in our evaluation for view.
Q  Okay.  But you did use 3-D modeling to determine
whether there would be views from various
locations within the cultural landscape?
A  (Widell) Yes.
Q  And if I'm understanding what you just testified
to, the 3-D modeling incorporates a vegetated
tree wall?

A Yes.

Q Forty foot.

A (Widell) For where it is located. Where such a forest occurs within the particular viewshed that you are looking at, yes.

Q Okay. But it does not take into account potential increased views that would occur in a leaf-off condition. In the winter.

A (Widell) It would be possible only by not including any forest characterization at all in the 3-D modeling, and so, no, we did not include no trees at all because that would not have been an accurate depiction of what the landscape actually showed.

Q I understand. With regard to the photo simulations by Mr. DeWan, those were from specific scenic resource locations within the cultural landscape?

A (Widell) Yes, and they include leaf-off.

Q Yes, but Mr. DeWan's photo sims do not take into account all the various locations within the cultural landscape, correct?

A (Widell) No. They do not.
Q Right. And that's why you relied on the 3-D modeling and general viewshed analysis in addition to come to your conclusions?

A (Widell) Yes.

Q On page 3 you have a discussion of the New Hill Village and down at the bottom paragraph, highlight that. It states here that the New Hill Village is itself a National Register eligible-village. Is that correct?

A (Widell) Yes.

Q And it has approximately 110 contributing buildings within it?

A (Widell) Yes.

Q Did your Visual Assessment take into account the visibility from one each of those contributing buildings?

A (Widell) No, not each of them, but where the viewshed mapping showed that there might be possible views we would have looked at that. I would particularly point out also that the New Hill Village was identified as a Historic District in the Assessment Report that was submitted to the SEC with the Application in October of 2015. So we actually did an
evaluation, a visual evaluation for potential adverse effects two years ago.

Q Is that what is referenced by the photo simulations of Veterans Memorial Park that Mr. DeWan did?

A (Widell) Yes.

Q That's one location within the Hill Village that was deemed to have a scenic quality?

A (Widell) Yes. And they are separate. We also, as I stated, previously looked at viewshed modeling in the Hill Village to see if there was any potential views as well.

Q I want to go back to the point you were just making that the new Hill Village was assessed individually at a different part of this process. Does that, does the fact that there is an individually eligible resource within the cultural landscape change the impact on the cultural landscape in any way?

A (Widell) No. No.

Q If an individually eligible resource within a cultural landscape has an adverse effect, is it the case that the cultural landscape will also always have an adverse effect?
A (Widell) No, not necessarily. And let me help clarify that. The direction on the document that was provided by the Division of Historic Resources in New Hampshire at the point where these cultural landscape reports were being committed or created is -- and before I tell you the reason why Division of Historic Resources provided some guidance on this is this is absolutely new and innovative for New Hampshire to have ever done or received or required cultural landscapes. So they used a document from 1999 that was done by Caltrans which is the California Department of Transportation for identifying and evaluating historic landscapes, and in that there is some direction for how to determine adverse potential adverse effects in cultural landscapes.

Q Okay. Thank you for that.

A (Widell) Okay.

Q Can we go back to my question which was about whether an adverse impact to an individually eligible resource that is within a cultural landscape would then necessarily result in the cultural landscape having an adverse effect?
A (Widell) And I answered no. And the reason I gave you more information is because in that document, there's a very precise way that, well, it's not very precise, but there is direction for how to identify effects in cultural landscapes.

Q And those directions for effects, if I'm understanding where you're going, is that you don't simply look at the individual effects to individual resources within the cultural landscape.

A (Widell) That is true.

Q Okay. Thank you. And for Franklin Falls Dam Cultural Landscape, we talked a bit about the designed recreation areas. I believe, well, I'm not sure. Did you assess the visual effect on those designed recreation areas within this cultural landscape?

A (Widell) Yes. We took it into consideration, and I think that it's discussed in the relationship with the Project to the property.

Q And ultimately, you found there was not a significant visual impact?

A (Widell) Yes. That's correct.
Q Not enough to create an adverse effect?
A (Widell) Yes.
Q Okay. I'd like to take a quick look at the other cultural landscape within the Pemigewasset Study Area. I apologize. I have an incorrect reference in my notes.

Based on your recollection, and you probably have the document in front of you, the Route 3 Franconia Notch Cultural Landscape runs from -- there we go. Just north of the Franconia Notch area of I-93 and then all the way down into the town of Woodstock. Is that correct?
A (Widell) Yes.
Q And with regard to this cultural landscape, the Project only impacts a small portion of the cultural landscape where it comes into the town of Woodstock off of Route 112?
A (Widell) Yes. Basically Woodstock Town Hall, yes.
Q Then it runs south about a mile within the cultural landscape?
A (Widell) Um-um.
Q So this particular cultural landscape has a
relatively small relation to the Project.
A (Widell) Yes.
Q Because of that, in your Effects evaluation, you ultimately found no adverse effect?
A (Widell) Yes, but it wasn't necessarily because it was a small area. We looked carefully at the potential for adverse effects.
Q And in this location it's underground Project, correct?
A (Widell) Yes.
Q So this is similar to the Ham Branch and Gale River landscapes?
A (Widell) Yes. It is.
Q Where because you found that all direct effects will be avoided by Project design and that there will be no indirect visual effects that there's no adverse effect to the --
A (Widell) Yes. That's correct.
Q And I wanted to just touch on one piece here. If we go to page 4. One of the resources that's a contributing resource to this cultural landscape is also an eligible resource that's the Montaup cabins, is that right?
A (Widell) Yes.
Q I guess one of the cabins is shown here in your Table of Properties that have encroachments in the direct APE as being the facade of a cabin, a resurfaced sidewalk with old granite curbing and a fire hydrant are within the APE, correct?

A Um-hum.

Q So in this case, you've separately assessed the Montaup cabins as a historic resource, correct?

A (Widell) Yes. An Inventory Form was completed on that Project, yes, and determined eligible. Individually. Yes.

Q Is that an Effects Table for that individual resource as well?

A (Widell) No. Not individually for that historic property.

Q Okay. So to the extent that it's shown in my Effects Table, it's part of this cultural landscape?

A (Widell) I believe that's correct. Yes.

Q In this case, one piece of that resource is within the direct effect APE?

A (Widell) Yes.

Q And your assumption is that direct effects will be avoided for that?
A (Widell) Yes.

Q Let's turn to the Great North Woods which is another of the study areas. Okay. So this is Figure 5-1 of the cultural landscape study for the Great North Woods, and this is in Volume 1 of that portion of Applicant's Exhibit 211. And this shows the large study area of the blackout line and then the four individual cultural landscapes that were identified within the study area, correct?

A (Widell) Yes.

Q And those are the Mount Prospect-Martin Meadow Pond Cultural Landscape, the Lost Road Lost Nation Road Cultural Landscape, the Upper Ammonoosuc Cultural Landscape and the Harvey Swell Cultural Landscape, correct?

A (Widell) Yes.

Q And that stretches through the North Country portion of the Project which is mostly aboveground but there are some smaller sections of undergrounding, correct?

A (Widell) Could you repeat that? I'm sorry.

Q Yes. This portion of the Project is mostly aboveground?
A: Yes.
Q: Except for a stretch?
A: Yes. There is a stretch up on the extreme north and also Dummer.
Q: Okay. So now we have our orientation.
A: (Widell) I'm wrong about that. I'm sorry. The extreme north part.
Q: Let's take a look at the Mount Prospect-Martin Meadow Pond Cultural Landscape specifically. And that's shown here in Figure 2-1 from, it's Volume 2 of the Great North Woods Study Area Report. And this cultural landscape encompasses Prospect Mountain and Weeks State Park and also moving to the east the Martin Meadow Pond; is that correct?
A: (Widell) Yes. It is.
Q: And again, the map shows a number of contributing resources within the cultural landscape, correct?
A: (Widell) Yes.
Q: This is another, this is page 56 of this same document, and it states that only 27 percent of the landscape lies within the APE for this cultural landscape, correct?
A (Widell) Yes.

Q And so most of the landscapes outside of the APE.

A (Widell) Yes. That's true.

Q Okay. We'll go to the Effects Table. In this case, the ultimate finding here, recommended finding, rather, is that there is an adverse effect for this cultural landscape, correct?

A (Widell) Yes. For the Weeks State Park part of the cultural landscape, yes.

Q Well, am I incorrect to say that there's an adverse effect on the cultural landscape as a whole?

A (Widell) That is to be determined by the DOE in consultation with DHR.

Q But it's your recommended finding?

A (Widell) Our recommended finding is that there is an adverse effect on the Weeks State Park portion of the cultural landscape.

Q On the Effects Table, it uses the words primarily with respect to the portion of the cultural landscape comprising part of Weeks State Park.

A (Widell) Yes.
Q So would it be correct to say that not all of
the impacts or adverse effects are on Weeks
State Park within the cultural landscape but
most of them are?

A (Widell) No. The adverse effect is within Weeks
State Park which is a portion of the cultural
landscape.

Q Okay. So let's look above that at your
description of the visual effects. Down, this
is the box in the middle of the page on the
left-hand column, and in the middle it says the
locations from which it, being the Project, will
potentially be in view include several historic
farmsteads that are in the APE and Mount
Prospect in Weeks State Park just outside the
APE. So is it your testimony here that while
you're referencing historic farmsteads having a
potential visual impact, it's only the adverse
effect to Weeks State Park that is creating an
adverse effect for the cultural landscape as a
whole?

A (Widell) Yes. And I, once again, it is
primarily the Weeks State Park and the
determination whether it's an adverse effect to
the cultural landscape as a whole because this is a very new type of resource is under the Section 106 process the federal agency, in this case DOE, in consultation with the DHR to determine.

Q Again, in this case Weeks State Park is itself listed as on the National Register, correct?
A (Widell) No.
Q Sorry, the estate is.
A (Widell) The estate which is about 2.9 acres and is the very top of Mount Prospect, but Weeks State Park is in its own right a designed cultural landscape. And two years ago when we submitted the Application to SEC we identified Weeks State Park as a designed cultural landscape and indicated at that time that it had an adverse effect from the Project.

Q Okay. So just so I'm clear, the Weeks Estate is listed, but does not have an adverse effect by itself?
A (Widell) Yes. That's correct.
Q And Weeks State Park has been deemed eligible through this process, at least been recommended to be eligible, and there is an adverse effect
to Weeks State Park by itself?

A (Widell) Yes.

Q And that's due to, I think, what you call, maybe you don't, but there's significant views from particular viewpoints within Weeks State Park that are of concern?

A (Widell) Yes. At the east overlook and there's a lot of discussion about that.

Q Yes. So what I want to understand is your distinction that this recommendation is for an adverse effect in your Effects Table for the Mount Prospect-Martin Meadow cultural landscape as a whole, but you seem to be making a distinction that perhaps only Weeks State Park individually will have an adverse impact.

A (Widell) Yes.

Q And not the cultural landscape.

A (Widell) Yes. But as I said, this is a new form of resource in New Hampshire, and the DOE in consultation with DHR would determine that.

Q Would you agree that Weeks State Park was included in this cultural landscape as associated with the other features?

A (Widell) Yes.
Q So the cultural landscape couldn't be chopped up to exclude Weeks State Park, could it?

A (Widell) What do you mean by chopped up? Are there other --

Q I can rephrase.

A -- other properties that are significant, clearly the estate which is listed on the National Register as an individual property that's listed. Then I would, once again, go back to the original Application to the SEC where I believe, and I can give you precisely the different properties that were identified. Their significance and integrity was assessed and whether there would be an adverse effect from the Project was done for at least five or six of those properties individually. So those homesteads that are talked about that are related to Weeks Heritage had been evaluated two years ago in our assessment form as was, as we stated, individually the Weeks State Park. So in many ways we did look at a number of contributing elements to the cultural landscape over two years ago.

Q And I understand that. But in this case, PAL
has identified this entire landscape as a cultural landscape, correct?

A (Widell) Yes.

Q And if I understand what you're saying, it's unclear to you given that this is sort of a new thing for New Hampshire whether the whole landscape as identified will have an adverse effect or whether it could be limited only to the subset of the landscape which is Weeks State Park.

A (Widell) No. I wouldn't use the words unclear. I think because it is a new resource type that it is incumbent upon the federal agency and the DHR to participate in determining how to apply the guidance in that guidance document that I indicated to you. We believe we have applied it to determine the effect on this particular cultural landscape in a thorough and responsible way.

Q And your conclusion was an adverse effect.

A (Widell) For that portion of the cultural landscape, yes.

Q Well, we're talking around in circles, I think, but we'll leave it there.
Maybe we can come at it from a different angle. If Weeks State Park is a component of the larger cultural landscape, and there's an adverse impact to Weeks State Park, does the 106 process view those as two separate resources even though they overlap to some extent? In other words, you're reviewing or assessing effects to both Weeks State Park individually and to the cultural landscape which includes Weeks State Park.

A (Widell) The Weeks State Park would be considered an important contributing element to the cultural landscape.

Q And so if there's an adverse effect that diminishes its significance, would that also diminish the significance of the entire cultural landscape? Or its integrity maybe is a better word.

A (Widell) It diminishes the significance of that particular contributing element.

Q If you diminish the significance of multiple contributing elements, does it diminish the significance of the entire cultural landscape?

A (Widell) Yes. It would.
Q Is that then, can that be reduced to if it diminishes the significance of one contributing element does that diminish the significance of the entire cultural landscape?

A (Widell) Not necessarily.

Q Okay. Let's turn to the North Road Lost Nation Road Cultural Landscape. If you could flip that. Again, this is Figure 2-1 from, I think we're now in Volume 3 of the Great North Woods Cultural Landscape Study which is part of Applicant's Exhibit 211. And this map shows the outline of the cultural landscape for North Road/Lost Nation Road, and in particular in the yellow or orange-ish color it highlights the North Road Agricultural Historic District which is a portion of the North Road Lost Nation Road cultural landscape; is that correct?

A (Widell) Yes.

Q Again, we're going to have the same kind of dilemma of understanding the relationship between the North Road Agricultural Historic District and the broader North Road Lost Nation Road cultural landscape as we did with Weeks State Park. Because North Road Agricultural
Historic District has been determined eligible previously?

A (Widell) Yes, it has.

Q And am I correct that the adverse effects that you've found for this cultural landscape are primarily limited to the North Road Agricultural Historic District?

A (Widell) Yes.

Q So similar to the last one, we have adverse effects to one portion of the cultural landscape, and in this case rather than saying it's primarily, you say but only with respect to part of the cultural landscape. You seem to be making a more, a stronger statement in this cultural landscape that the adverse effects are only to one of the components of the landscape rather than to the landscape as a whole.

A (Widell) Yes, and that's probably because the Grange Village and Lost Nation portions of the cultural landscape have basically no visual relationship whatsoever with the Project.

Q I believe for the Mount Prospect-Martin Meadow Pond Cultural Landscape, you made the same statement.
A (Widell) Yes, there was. But there is some visual relationship with some other portions of the Mount Prospect-Martin Meadow Cultural Landscape.

Q Okay. Can you just put up 83135? Again, this is the Effects Table as part of Applicant's 196 B for the North Road/Lost Nation Road Cultural Landscape.

I think the discussion we had about the Mount Prospect-Martin Meadow Pond Landscape would apply similarly here, correct? This adverse impact to the North Road Agricultural Historic District is an adverse impact to one of the components of the larger cultural landscape, but you are making a determination that the adverse effect should be limited to the Historic District.

A (Widell) Yes.

Q Then so if that's the case, should the cultural landscape not be considered a separate resource?

A (Widell) No.

Q If it is its own historic and cultural resource, and there's an adverse effect to a large component of that landscape, isn't there an
adverse effect to the cultural landscape as a whole?

A (Widell) As I indicated, this is a new form of resource for consideration in New Hampshire and the federal agency in consultation with the DHR needs to determine that based on the guidance that they have provided, and once again, an indication that the North Road agricultural Historic District was identified over two years ago and submitted as part of the Application to the SEC, and it was indicated at that time that we believed that it would be an adverse effect visually caused by the Northern Pass Project.

Q But we don't know yet what DOE and what DHR's final determination will be on the cultural landscape as a whole in that respect?

A (Widell) No, we do not.

Q Let's skip ahead to the Upper Ammonoosuc River Cultural Landscape. In this case, again, this is Map or Figure 2-1, which is Volume 4 I think we're in now of the Great North Woods Cultural Landscape Study, and this shows the outline of the Upper Ammonoosuc River Cultural Landscape which kind of stretches from the western part of
Dummer over to Stark along Route 110. Is that right?

A (Widell) Yes.

Q In this case, the cultural landscape incorporates five specific identified Historic Districts?

A (Widell) Yes.

Q Those are listed here on the map and also discussed in your Effects Table. In this case you also found an adverse effect for this cultural landscape; is that correct?

A (Widell) Yes.

Q And this case was a little different because you say in the middle of, so we're on Applicant's Exhibit 196 B, and it's the Effects Table for the Upper Ammonoosuc River Cultural Landscape, and on page 2 you have your chart, and in the middle you state for visual impacts that although there will be views of the Project from certain locations in the cultural landscape, they will be limited by topography, vegetation and distance. But then you go on to find an adverse effect due to visual impacts, and it says primarily with respect to the Ammonoosuc
River crossing Northside Road and including a view from Route 110/Stark Road toward the Project in the center of the cultural landscape; is that correct?

A (Widell) Yes.

Q So in this case there are only a couple locations with prominent views of the Project?

A (Widell) Yes.

Q But those views were significant enough to cause an adverse effect to the entire cultural landscape?

A (Widell) No. Once again it is primarily in those areas.

Q Are those two areas individually historic resources?

A (Widell) The Northside Road District was identified over two years ago by Preservation Company and myself as a Historic District, and was included in the Application to the SEC as an adverse effect. DHR determined that the property was not significant enough to have its own inventory form completed but did want it included, and it was included in the cultural landscape. So it is a contributing element as
part of the cultural landscape. The other parcel has no historic properties on it. It is an open field.

Q Okay. So we have one open field that's not a historic property, and we have one historic district that lacked significance by itself.

A (Widell) In the estimation of DHR, yes.

Q Okay. And the visual impact to those two portions of the cultural landscape which are not by themselves historic resources was significant enough to have an adverse effect here, but your opinion or your testimony is that that adverse effect doesn't apply to the entire cultural landscape.

A (Widell) Once again, it is a new resource and the Department of Energy and the New Hampshire Division of Historic Resources will deliberate on our findings and information.

Q So we'll find out later from them.

If you carve out these two locations from the cultural landscape, am I correct to say that you couldn't have an adverse effect because they are not individually historic resources?

A (Widell) Let me make sure I understand. If you
took, say, parcel 41115 and it were not part of
an identified resource such as a cultural
landscape, could you find it individually
eligible for the National Register and then
therefore have an adverse effect? No. You
could not.

Q Right. Because in the parlance of the Section
106 process, you cannot have an adverse effect
unless there's a resource that's been identified
as eligible, correct?

A (Widell) That's correct.

Q And these are not, these two locations or areas
are not, have not been identified as eligible
resources.

A (Widell) That's correct.

Q Okay. So jumping to the next cultural
landscape, this is Harvey Swell Cultural
Landscape, and we're looking at Figure 2-1 from
Volume 5 of the Great North Woods Cultural
Landscape Study Report which is part of
Applicant's Exhibit 211. And this map shows the
outline of the Harvey Swell landscape which is
primarily except for the very northern tip in
Colebrook; is that correct?
Yes. And the primary land use here is agricultural land?

Yes, it is.

Depicted in green. And this cultural landscape is a rural landscape showing the history of agricultural --

Definitely, yes.

So that is, the primary significance is for agricultural history, I guess you'd say?

I'm sorry. I didn't hear an answer.

Yes.

Just for the record. I saw you nod.

And in this case, would you agree that most of the landscape is outside the APE?

Yes. Most of it is outside of the APE.

And this section is an aboveground section of the Project, correct?

Yes. There is. There is a small portion that is in close proximity that is underground, but --

But outside?

Yes.

So in your effects assessment, the only box that
you filled in was the one relating to visual and atmospheric or audible elements?

A  (Widell) Yes.

Q  And your finding was that there's some views but they're limited in nature due to topography, vegetation and distance and will not diminish the property setting or landscape, correct?

A  (Widell) Yes. There's more specifics elsewhere in the Effects Table, but that is an excellent summary.

Q  It was your summary, right?

A  (Widell) Yes.

Q  Indeed, here on page 5 you speak with viewshed mapping to show that there's not a lot of views. But what I want to draw your attention to is the second sentence at the top, in the top paragraph, where you say, "However, based on 3-D modeling there will likely not be views of the Project from the primary publicly accessible locations in this area along Bear Rock Road."

Is it important to your assessment that there be public accessible locations for views?

A  (Widell) No. It's possible to find adverse effects in areas that are not public.
Q Okay. But here you're saying that their views are screened for the primarily public accessible locations.

A (Widell) Yes.

Q Is that a part of your assessment for finding no adverse effect for this cultural landscape?

A (Widell) It was for this cultural landscape, yes.

Q The lack of publicly accessible views was part of your consideration?

A (Widell) You'll see that we, although we did 3-D modeling for the fields that are in the area that extends northward in this cultural landscape and are closest to the APE so those are not public, but we considered them as well.

Q Okay. So this comment doesn't restrict or doesn't, the fact that there's not public accessible views didn't determine the outcome of this assessment?

A (Widell) That's correct.

Q Okay. Just a comment that you included in the description.

Just for reference, you included the viewshed mapping in a number of these Effects
Tables, but I'll show this particular one. The APE is at the top there, the dotted purple line, and your assessment is that while there are large areas of potential views, the 3-D modeling found that those would be screened?

A (Widell) Yes and no. The area closest to the area that's within the area of potential effect, the northmost portion of the cultural landscape, the aboveground portion of the Project will be in a forested area. There may be as stated elsewhere in the Effects Table possible views of the very top portions of the structures, but what we found was most of this visibility was coming from three miles away where the Project goes up Sugar Hill in that area. The topography actually slopes downward and then back upwards. So when we say topography in this location, truly that is part of why the visibility is less than it might immediately appear to be.

Q Okay. Thank you. Let's round out the review here, and go to the Suncook River Valley Study Area which was the fourth of 5. We're going to skip over Deerfield because there was no cultural landscapes identified there.
The Suncook River Valley Study area ran through Epsom, Pembroke and Allenstown along the Suncook River; is that correct?

A (Widell) Yes.

Q That's shown on Figure 5-1 here from the Suncook River Valley Study Area Report.

A (Widell) Um-hum.

Q And there are two separate cultural landscapes identified as in or adjacent to the APE. Short Falls Cultural Landscape and the Buck Street Batchelder Road Cultural Landscape, right?

A (Widell) Yes.

Q So now I'm showing figure or I guess it's a map from the Effects Table in Applicant's Exhibit 196 B for the Short Falls Cultural Landscape. And it shows the outline of the cultural landscape, and you can see Suncook River squirming around in the middle there.

The actual Effects Table, in this case for Short Falls Cultural Landscape, the determination was a recommended finding of "no adverse effect," correct?

A (Widell) And you just moved the map. I think that map is very important and conveys one of
the important reasons why, and that is that only 1.8 acres of the entire cultural landscape is even in the area of potential effect, and the portions completely around it are forested. So there is no potential for any visual effect to the cultural landscape or obviously direct effects either.

Q You state here in the Effects Table that there are no views of the Project from the cultural landscape within the one-mile Project APE, and, therefore, the Project will not introduce individual elements that will diminish the setting or landscape.

Did you consider the visibility of the Project outside of the APE?

A (Widell) We certainly looked at the viewshed mapping for the cultural landscape. Yes.

Q Okay. But in this Effects Table you don't actually discuss that. If you skip to page 4. The last statement here with regard to visibility simply says because the Project will not be within view in the one-mile APE for indirect effects in the Short Falls Cultural Landscape, there will be no effect on the
cultural landscape.

A (Widell) If you look further in this Effects Tables, I'm sure you would see that the viewshed mapping, both that of T.J. Boyle and DeWan were included as well.

Q Yes, but you don't describe them in this part of the Effects Table. You just come to the conclusion because there's no view in the APE, there's no visual impact or adverse effect?

A (Widell) You asked me if we considered the viewshed mapping, and we absolutely did.

Q Okay. Would you agree then that to the extent there are views outside of the APE that they could, it is possible for views from outside the APE to diminish the significance of a cultural landscape?

A (Widell) Yes. Definitely. I think Weeks State Park is an excellent example of that. The Weeks State Park and the Weeks Estate are a quarter of a mile outside of the area are of potential effects. So I think consistently we have considered that.

Q Okay. Then the last cultural landscape that was identified as the Buck Street-Batchelder Road
Cultural Landscape which is shown in this map which is part of the Effects Table. Page 6. Do you see that?

A Yes. I'm trying to find my copy of it.

Q And this cultural landscape is located within Pembroke and about oh, I don't know, a quarter-ish, a third maybe is within the APE?

A (Widell) I believe it's 28 percent.

Q Okay. That sounds like a quarter to a third.

Again, in this case you found no adverse effect because of the limited views within the cultural landscape, correct?

A (Widell) Yes. Not, that's not the only reason. I think also there's discussion of Route 28 and the fact that it was placed into the landscape in the 1950s and is not considered a contributing element. There's also new construction in the area that already affects, modern intrusion already affects the views within portions of the cultural landscape that are in the area of potential effect.

Q But despite those modern intrusions, there's still enough significance and integrity for the cultural landscape to be identified and assessed
in this case?

A (Widell) Yes.

Q Okay. I want to just take a quick look at one of the contributing features here which is the Montminy Farm and Country Store which there is a photo simulation for which is page 19.

As I understand it, at the time you filed your Direct Testimony with the Application you had originally identified this as a potential historic resource.

A (Widell) Yes.

Q And at that time also deemed that there was an adverse effect to that resource?

A (Widell) Yes, we did.

Q And at some point subsequently I assume DHR determined that it was not significant?

A (Widell) Yes. They did not indicate they wanted an inventory form for that so none was done, but it is included in the cultural landscape.

Q Yes. It's one of the contributing resources or features of the cultural landscape?

A (Widell) Which it is mentioned, yes, within the boundary.

Q And you found initially that there is a
significant effect or an adverse effect to that resource or this property, let's call it, but that effect is not significant enough in your opinion to create an adverse effect to the entirety of this cultural landscape; is that fair?

A (Widell) Or even a portion of it. Yes. Large landscapes may have a greater ability than small properties to absorb change. I think this is an example of that.

Q This portion of the line is not only visible from this corner, is it?

A (Widell) No. It is visible throughout this particular property.

Q But is it limited to that property, the visibility?

A (Widell) It is, we did an assessment of Batchelder Farm. I would have to refresh my memory on its visibility from that particular property.

Q Would you agree that in contrast to the Upper Ammonoosuc River Cultural Landscape where there was a significant visual impact to a feature that was not individually eligible, this is a
similar situation, but in your opinion it's not a significant enough impact to create an adverse effect for the cultural landscape or this portion of the cultural landscape?

A (Widell) Yes.

Q Okay. All right. So we have identified ten cultural landscapes and you've found three of those to have an adverse effect. And two of those adverse effects you've indicated are limited to subportions of the cultural landscape; is that fair?

A (Widell) Yes. I think all three of them actually are a portion of the cultural landscape, yes. Primarily, yes.

Q There were, so there are ten that were assessed here. There were other cultural landscapes identified for future study that were not assessed?

A (Widell) Yes.

Q And those were not assessed because they were outside of the APE?

A (Widell) Yes.

Q And we're going to look quickly at a portion of the Great North Woods Study Area or Study Report.
which is part of the Applicant's Exhibit 211.
This is Figure 5-2 on page 73 and it's showing
the four potential cultural landscapes that are
outside of the APE; is that correct?
A (Widell) Yes.
Q Would you agree with me based on this map that
all four of those cultural landscapes are within
3 to 5 miles of the Project?
A (Widell) I don't know. There is not a --
Q Well, there's a scale at the bottom.
A (Widell) It appears that they might be. Yes.
Q And would you agree that there's a potential for
some visibility of the Project from within those
cultural landscapes?
A (Widell) No. Not that would have an adverse
effect to a historic property.
Q And what's the basis for that statement?
A (Widell) The area of potential effect that's
been established was established for this
particular undertaking in 2013 by the Department
of Energy in consultation with the Division of
Historic RESOURCES, and that's on one mile
either side of the Project.
Q But you testified earlier that some views
outside of the APE can be significant and can have an adverse effect such as the Weeks State Park.

A (Widell) We were directed specifically in the discussion of the APE by DHR in the identification process to look at properties that are just immediately adjacent, may be connected to other resources within the area of potential effect and Weeks State Park certainly fulfills that in our judgment.

Q I understand that. That wasn't quite what my question was. I didn't ask if you should have studied these other cultural landscapes. I simply asked if there is the potential for visibility of the Project from the cultural landscapes, and --

A (Widell) I'm not, I can't tell you precisely that. It would depend on topography and all sorts of things. I cannot amend --

Q So you don't know is the answer.

A I do not know.

Q Fair enough. If you were to look at the map that I'm showing you which is part of the Final EIS which is Applicant's Exhibit 205, I believe
it's from one of the technical reports actually, this map shows areas of potential visibility of the Project, correct?

A (Widell) It says Cumulative Scenic Impact.

Q Okay. I'll represent that that means potential visibility for the purpose of this discussion at least.

Are you able to identify areas where the cultural landscapes that we just talked about, the four that were outside of the APE are located?

A (Widell) No. Not really.

Q Okay. Would you agree, do you see Lancaster there in the middle of the page?

A (Widell) Yes.

Q And off to the left of Lancaster is the Connecticut River? Did you see that? That's the border of the state?

A (Widell) Yes.

Q And do you recall that the Connecticut River Valley Cultural Landscape or maybe it's just the Connecticut River Cultural Landscape is in that vicinity to the west of Lancaster along the Connecticut River?
A (Widell) Honestly, I'd have to compare the two maps. I'm sorry.

Q Okay. I will leave it here just to say that, we don't need to do a full comparison, but based on, if you accept my statement that that is the location of the Connecticut River Cultural Landscape, would you agree that there are shades of purple in that area?

A (Widell) There are shades of purple in a portion of this map on the left-hand side of the map which is the Connecticut River.

Q Fair enough. And you have not assessed potential impacts to those other cultural landscapes because you weren't directed to because they're outside of the APE, correct?

A (Widell) No. In evaluating cultural resources, under those Section 106 process, you are always looking at properties that are on or eligible for the National Register within the established APE for the undertaking, yes.

Q And because these four cultural landscapes are outside of that APE, you were not required to assess effects in them, in those cultural landscapes, correct?
A (Widell) No. That's not true. We absolutely assessed the effects of the portions of those cultural landscapes that were within the APE and immediately adjacent to.

Q Yes, I think we're talking past each other.

A Okay.

Q I'm talking about the four cultural landscapes that were outside of the APE that were recommended for future study.

A (Widell) I'm sorry. I misunderstood your question.

Q That's okay.

A (Widell) So you are asking me whether you would evaluate the four cultural landscapes that are outside of the APE for adverse effects from this Project? No.

Q You weren't required to do that because they're outside of the APE, correct?

A (Widell) It doesn't have to do with requirement. It is not, in my professional experience you would not do that as part of the evaluation of effects on historic resources that might be affected by this Project.

Q I believe that is a yes more or less so we'll
leave it there.

A (Widell) Okay.

Q With your Supplemental Testimony which I believe is Applicant's Exhibit 95, you had an Attachment 2 which was this chart and this was your list of adverse effects, correct?

A (Widell) Yes, and in my beginning remarks I indicated that I had added one.

Q Correct. And is the added adverse effect the Upper Ammonoosuc Cultural Landscape?

A (Widell) Yes, it is.

Q You added that one. You did not add the North Road-Lost Nation Road Cultural Landscape because, as I understand it, your position is the only adverse effect is the portion of that cultural landscape which is the North Road and Grange Historic District which is listed here already, right?

A (Widell) It's already on my list of adverse effects, yes.

Q And that's based, and you don't include the broader cultural landscape as an additional adverse effect because you've limited your recommendation to just the portion that's
already on your chart.

A (Widell) Yes. I do not believe there is an adverse effect to that portion of that cultural landscape.

Q And the same thing would go to the Mount Prospect-Martin Meadow Pond Cultural Landscape which you have incorporated the portion of that landscape that has the adverse effect here as Weeks State Park?

A (Widell) Yes.

Q And that's why you've gone from 6 to 7 instead of 6 to 9 adverse effects?

A (Widell) Yes. I believe that I've already included that and both of those properties have been on the list of adverse effects for over two years. Or two years, approximately.

Q And I'm assuming, although I don't think you've stated it yet, that the addition of the cultural landscapes to your assessment and the adverse effects that you've found don't change your overall opinion of no unreasonable adverse effect from the Project?

A (Widell) Yes. That is correct.

Q And am I correct that Department of Energy and
Division of Historic Resources are still reviewing these study recommendations and Effects Tables?

A (Widell) Yes.

Q And we don't yet have a final determination of either eligibility or adverse effects on those cultural landscapes, correct?

A (Widell) Yes.

Q And I think when you submitted the Effects Tables for the cultural landscapes, you also submitted additional 42 Effects Tables at that time. Were those resources that were within the cultural landscapes or was that a broader set of Effects Tables?

A (Widell) No. They were a broader set of Effects Tables. They were a number of different Effects Tables that were requested by DHR to be completed. They varied from properties that were outside of the APE to properties that were in the underground portion of the Project. Properties that were only significant because of their engineering or architecture significance, and, therefore, would not be affected by the Project visually. Those are just some examples,
and there were some other in there, but I'm just
giving you kind of a --

Q Sure. Similar to the cultural landscape Effects
Tables, those additional 42 Effects Tables have
not yet been assessed by DOE and DHR; is that
correct?

A (Widell) They have not.

Q So we don't have a final determination on those,
either those 42 or the 10 cultural landscapes?

A (Widell) Yes. That's correct.

Q And it is possible that in reviewing the Effects
Tables and other study materials that DOE and
DHR could find additional adverse effects beyond
those that you've recommended?

A (Widell) It is possible.

Q And so sitting here today, the Committee nor the
Applicant does not have the final understanding
of the complete number of adverse effects that
may be caused by the Project.

A (Widell) No. I don't agree with that. I
believe that we have had an excellent idea of
the extent of the adverse effects of this
Project even as early as a couple of years ago.

As I have indicated in my testimony today, the
adverse effects that have been found throughout the study of these cultural landscapes in the area of potential effect were identified at the time of the submission of the SEC Application, and in my Original Testimony I referenced them, and, again, in the Supplemental and with my testimony today. I believe we have a really thorough understanding of the historic properties, probably better than any other Project before because this is such an innovative way of looking at resources that we know the extent of the Project, the properties are going to be affected and what those effects are going to be.

Q But, again, we don't have a final determination from DOE or DHR on the number of the Effects Tables and the potential adverse effects?

A (Widell) We don't have a final, but we have an outstanding process identified in the Programmatic Agreement to move forward, an inclusive one that will include the consulting parties and other federal agencies to finalize that, and I believe we have an excellent understanding of the historic resources that
And you believe that despite not having the final engineering of the Project in hand and not knowing precisely where effects might occur to resources within the APE for underground sections?

Yes. Absolutely. It is my experience in transportation projects and other underground situations that those decisions can be made during the time when the Project is moving forward and in the design and engineering. Yes. I'm very confident of that.

And that would be after a decision by the SEC?

I don't know the timing for that.

Do you know the timing for -- well, we went over this earlier. There are a number of things in the Programmatic Agreement, different plans that have not been completed, and the adverse effects have not been finalized so we can't reach the mitigation finalization yet either. And that's likely, would you agree, not to occur until after this proceeding is completed?

No. I don't know the timing. But the process of using Programmatic Agreement in my
professional experience is a very excellent and inclusive one where the mitigation for adverse effects on historic properties that cannot be avoided or minimized can be done in a way that is specific to the resource that's being affected, can be specific to the state where it's occurring, and can be inclusive, and that's what the Programmatic Agreement makes very clear in its section on Resolution of Effects that the consulting parties will be part of that discussion.

Q And that's part of the 106 process that is separate from the SEC's review. Can you state that it's likely -- I'll turn the question around from before. Is it likely that all the required plans and final adverse effects will be determined so that mitigation can be considered prior to the conclusion of this proceeding at the SEC?

A (Widell) I don't know the timing of the conclusion of this proceeding for the SEC, but I know that it has been often the case that SEC has used a Programmatic Agreement --

Q Yes, you've testified to that before.
A -- a Memorandum of Agreement as a tool for completing those things, especially mitigation, that are not completed before their decision, and I think the document that we have is an excellent one that we should be confident in because it is in my experience one that has been successful again and again in caring for historic properties which is the goal of all of this, the SEC considerations, as well as the Section 106 considerations in a Project of this size for the state of New Hampshire.

Q But you'd agree that the Programmatic Agreement itself doesn't set forth specific mitigation elements for any particular Project, correct?

A (Widell) Yes.

Q That comes later.

A (Widell) Yes.

Q Okay. Thank you very much. Hold on one second. Thank you. I'm finished.

A (Widell) Thank you.

PRESIDING OFFICER HONIGBERG: Off the record.

(Discussion off the record)

PRESIDING OFFICER HONIGBERG: So we will
adjourn for the day and resume Thursday at 9 o'clock.

(Hearing adjourned at 5:21 p.m.)
CERTIFICATE

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

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

Dated at West Lebanon, New Hampshire, this 8th day of October, 2017.

___________________________
Cynthia Foster, LCR