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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

November 3, 2017 - 1:38 p.m. DAY 55
49 Donovan Street AFTERNOON Session ONLY
Concord, New Hampshire

{Electronically filed with SEC on 11-13-17}

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

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

Cmsr. Kathryn M. Bailey Public Utilities Comm.
Dir. Craig Wright, Designee Dept. of Environ. Serv.
Christopher Way, Designee Dept. of Resources &
Economic Development
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby Public Member
Rachel Dandeneau Alternate Public Member

ALSO PRESENT FOR THE SEC:
Michael Iacopino, Esq., Counsel to the SEC
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

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1 P R O C E E D I N G S

2 (Hearing resumed at 1:38 p.m.)

3 CHAIRMAN HONIGBERG: Ms. Draper,
4 you may proceed.

5 MS. DRAPER: Okay.

6 CROSS-EXAMINATION

7 BY MS. DRAPER:

8 Q. Good afternoon, Mr. Dodson. I'm Gretchen
9 Draper, and I represent the team from the
10 Pemigewasset River Local Advisory Committee.
11 So we'll be talking about river questions.

12 A. Okay.

13 Q. I was wondering, when you were doing your
14 analysis, if you considered the Pemigewasset
15 River as a whole going from Franconia to
16 Franklin.

17 A. No, we considered a specific section of the
18 river, but we didn't do an analysis of the
19 whole river.

20 Q. Okay. So, like when you divided up the Great
21 Northern Woods and the Lakes Region, which
22 part of the river did you focus on the most?

23 A. We focused on the Lakes section of the river.

24 Q. Okay. All right. And when you came to the

1 Lakes Region to look at the river, what
2 additional features did you -- were you
3 looking at or found that raised the visual
4 impact on the river?

5 A. We were --

6 MR. NEEDLEMAN: Mr. Chairman,
7 I'm going to object. There's a full
8 description on Page 49 of his assessment of the
9 Pemi.

10 CHAIRMAN HONIGBERG: Ms. Draper.

11 MS. DRAPER: I guess what I'm
12 looking at is more the process and the
13 procedure; so, what happens when you go to look
14 at a river, what kinds of things are you
15 looking for. Now, that may not be what --

16 CHAIRMAN HONIGBERG: I think as
17 a general question you can do a little bit of
18 exploration with him about how he does what he
19 does. A lot of it is in his report.

20 MS. DRAPER: Yes, I know that.

21 CHAIRMAN HONIGBERG: So if you
22 start asking questions that start asking him to
23 repeat what's in his report --

24 MS. DRAPER: Yup.

1 CHAIRMAN HONIGBERG: -- Mr.
2 Needleman is probably going to have a problem
3 with that, and I'll probably stop you.

4 MS. DRAPER: I'm not going to do
5 that.

6 CHAIRMAN HONIGBERG: Okay.

7 MS. DRAPER: I'm really looking
8 at more the process.

9 CHAIRMAN HONIGBERG: All right.

10 MS. DRAPER: Thank you.

11 BY MS. DRAPER:

12 Q. So as someone in your field, you come to a
13 river, what sort of things are you looking at
14 in terms of the visual impact?

15 A. Well, we're looking at the length of the
16 river, the condition of the banks of the
17 river, what the watershed of the river is,
18 things like flow rates and water levels.
19 This project was strictly visual, so we
20 looked at terrain, vegetation, the water
21 features of the river. We would have liked
22 to have done a comprehensive study of the
23 visual characteristics of the whole river,
24 but we were limited to looking at specific

1 viewpoints.

2 Q. Okay. Thank you. That's fine.

3 Now, you also are looking at the tourist
4 value in these different areas. Would you
5 give me your opinion of what you consider the
6 Pemigewasset River and how does that rank as
7 its tourist value in the Lakes Region?

8 A. I think it varies. I'm familiar with the
9 Upper Pemigewasset in the Wilderness area,
10 where it's a beautiful stream, so that's
11 hikers, bikers, snowmobilers, and I'd say
12 it's an important part of the tourism region
13 up there.

14 As it flows further south, we start
15 getting the paddlers, the canoes, the kayaks.
16 In some portions there's trails along the
17 river, so there's hiking. And I think
18 further south, as the river gets bigger, the
19 paddling and boats get bigger. I'm not
20 familiar with it further south.

21 Q. All right. Thank you.

22 And I was interested when you were
23 speaking earlier today about comparing the
24 linear river with roadways. And I guess I

1 was wondering what different points of view
2 would you want to take, 'cause like you were
3 saying, you would take pictures or look at
4 different features from a different route to
5 whatever. Now, if you put that into the
6 river context, how would you look at a river
7 from different points of view?

8 A. I would divide the river into regions, and
9 depending on the type of study you were
10 doing, there could be hydrogeologic features,
11 there could be wildlife features. Our focus
12 is visual, so I would divide the river
13 landscape up into different visual zones,
14 which could be a factor of topography,
15 vegetation, water features, unique historic
16 or cultural elements. We were focused on
17 where the transmission line would cross the
18 river or parallel the river, so that narrowed
19 our focus.

20 Q. Right. And I'm thinking, too, that you would
21 want to look at things like the view if you
22 were a canoeist's, if you were a fisherman on
23 a bank, if you were driving by; is that
24 correct?

1 A. Yeah. Hmm-hmm.

2 Q. And what did you find when you -- did you
3 take those different perspectives when you
4 stopped at those key points?

5 A. Yeah. A key point that we did involved a
6 pretty active canoe/kayak route. It had an
7 informal area where people got in and out and
8 portaged their canoes. And it included some
9 very steep banks, which made it scenic.

10 Q. All right. Was this on Coolidge Woods Road?
11 Is that in New Hampton? Would it have been
12 part of the Army Corps of Engineers
13 floodplain? Is that what --

14 A. No, it wasn't.

15 Q. Okay.

16 A. I'm drawing a blank now on the town it was
17 in.

18 Q. That's fine. And I guess finally what I'm
19 looking at is that there's nothing that you
20 have seen since you've put in your reports
21 that would change your opinion as to the
22 visual impacts of this project?

23 A. No, I haven't seen since the report and the
24 supplemental.

1 Q. Okay. Well, thank you very much. That was
2 easy; right?

3 CHAIRMAN HONIGBERG: I have no
4 other intervenors who have indicated that they
5 have questions. Is that right? Am I missing
6 anybody?

7 [No verbal response]

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

10 CROSS-EXAMINATION

11 BY MR. NEEDLEMAN:

12 Q. Mr. Dodson, hello. I'm Barry Needleman. I
13 represent the Applicant here. I want to
14 start off with a couple of general questions.

15 It's my understanding that you've never
16 conducted a VIA in New Hampshire. Is that
17 right?

18 A. That's right.

19 Q. And you haven't reviewed other VIAs that have
20 been submitted to the Site Evaluation
21 Committee in the Antrim case or the Merrimack
22 Valley case; is that right?

23 A. That's right.

24 Q. And my understanding is that prior to the

1 time you did your work here you didn't review
2 any of the SEC's prior decisions; is that
3 right?

4 A. That's right.

5 Q. And my understanding also is that you didn't
6 participate in any way in the development of
7 the SEC rules recently; is that right?

8 A. That's right.

9 Q. And at the tech session, I think you told me
10 you had no experience conducting VIAs for
11 electric transmission lines.

12 A. That's right.

13 Q. And you were engaged here by SPNHF and
14 Appalachian Mountain Club to, quote, "analyze
15 the aesthetic impacts of the Northern Pass
16 transmission project"; is that right?

17 A. That's right.

18 Q. Earlier today when Ms. Connor was questioning
19 you, she asked you whether the work you did
20 here was a VIA or just a critique of DeWan,
21 and you said it was just a critique of DeWan.
22 Do you recall that?

23 A. Yes.

24 Q. I want to call up SPNHF Exhibit 69 and ask

1 you some questions about that.

2 This is the corrected report that you've
3 done in this case; is that correct?

4 A. Yes.

5 Q. So, to be clear, you originally filed a
6 version of this in December, and then between
7 December and April you made numerous
8 corrections, to it, and what we're looking at
9 here is that corrected version; right?

10 A. That's right.

11 Q. Despite that, this version still has the
12 original December 28th date on it. Do you
13 see that?

14 A. Yes.

15 Q. So I just want to make sure we're not
16 confused. I will generally refer to this,
17 but there are going to be times when I will
18 refer to the original version as well.

19 Now, the title page of this document
20 that you created says "Visual Impact
21 Assessment - Northern Pass Transmission
22 Project"; is that right?

23 A. That's right.

24 Q. If we look at the introductory page and

1 numerous other pages, I see the same
2 description. You call it a "Visual Impact
3 Assessment for the Northern Pass Project";
4 right?

5 A. Yes.

6 Q. And let me turn, for example, to Page 11.
7 And this is getting into a portion of your
8 analysis. Again, you style this section as
9 your visual impact analysis. And your very
10 first sentence talks about your visual impact
11 analysis. In fact, I looked at this, and I
12 saw that on every single page in this
13 document you refer to it as a visual impact
14 analysis. Were you aware of that?

15 A. Yes.

16 Q. So why, then, given that during the entire
17 course of this proceeding, right up until
18 today, have you referred to this as a visual
19 impact analysis, and then today you're now
20 calling it just a critique?

21 A. It's a Visual Impact Assessment that's based
22 on DeWan & Associates Visual Impact
23 Assessment. So we used the DeWan &
24 Associates VIA as a basis for our work. But

1 what we were doing is a critique of his work,
2 and then we were adding considerable
3 information and analysis in our own right to
4 supplement the critique. So, in a way, it
5 was a visual impact assessment, but it was
6 based on, as a foundation, the DeWan &
7 Associates VIA.

8 Q. In fact, the purpose of a visual impact
9 assessment is to identify and evaluate scenic
10 resources, determine impacts on them and
11 discuss potential mitigation; right?

12 A. That's right.

13 Q. And that's exactly what you did here; right?

14 A. That's right.

15 Q. Okay. So when you told Ms. Connor that you
16 would do this differently if you were doing a
17 VIA, I guess I don't understand what you
18 meant, because you did do a VIA, and you had
19 every opportunity to do whatever you needed
20 to do in order to present this to the
21 Committee; right?

22 A. Right.

23 Q. Okay. I want to call up SPNHF Exhibit 62,
24 which is your prefiled testimony. And I'd

1 like to look at Page 9, Line 14 to 17. And
2 this is where you're summarizing your general
3 methodology. And you say that you employed a
4 similar methodology as the Applicant's Visual
5 Impact Assessment, but you modified it as
6 necessary to address scenic viewpoints that
7 were ignored or incorrectly rated and
8 reflected a broader range of issues and
9 aesthetic criteria. Does that sound
10 generally; correct?

11 A. Yes.

12 Q. So I want to focus on this issue by looking
13 at your VIA. Let me begin by looking at the
14 places where you actually agreed with aspects
15 of DeWan's approach and were complimentary of
16 it. So let's go to Page 8 of your VIA.

17 And here you said that you did field
18 work and confirmed that the Applicant's
19 methodology was, quote, "thorough and
20 professionally presented"; is that right?

21 A. That's right.

22 Q. But you go on to note that there are
23 shortcomings with it which you speak about
24 later.

1 You also were complimentary of the
2 viewshed mapping that the Applicant did;
3 isn't that correct?

4 A. That is.

5 Q. Let me call up Applicant's 374. There are a
6 number of places throughout your work where
7 you make statements, and I tried to summarize
8 them here. I am happy to go to any of those
9 locations if you'd like me to. But in your
10 Appendix C, you said that the viewshed
11 mapping and computer modeling were relatively
12 accurate technologies. Do you recall that?

13 A. Yes.

14 Q. In fact, you said, I think, that it was
15 conservative because it used only a 40-foot
16 tree height. Does that sound right?

17 A. Yeah.

18 Q. On Appendix C, 5, you said that the
19 Applicants produced excellent viewshed data.
20 Does that sound right?

21 A. Yes.

22 Q. And overall, the representation of the visual
23 impacts in the proposed project was excellent
24 based on the viewshed data. Does that sound

1 right?

2 A. Yes.

3 Q. And in Appendix C, 2, you said you didn't
4 attempt to fully analyze or redo the
5 Applicant's viewshed analysis, but you
6 considered it a useful guide and tool; right?

7 A. Yes.

8 Q. And in fact, I think we heard earlier, and we
9 can see here, that you relied on the
10 Applicant's viewshed maps in the work that
11 you did; is that correct?

12 A. Yes.

13 Q. Now, another area of similarity which we can
14 see on Appendix D, Page 5, is the way in
15 which you did your overall approach to this.

16 MR. NEEDLEMAN: Dawn, SPNHF 69
17 Appendix D.

18 BY MR. NEEDLEMAN:

19 Q. Here you said the determination of whether
20 the site and facility may have an
21 unreasonable adverse effect on aesthetics is
22 evaluated for each sub area and the Project
23 as a whole; right?

24 A. Which document is this coming from?

1 Q. We are looking at SPNHF Exhibit 69, which is
2 your VIA. This is your Appendix D on Page 5.

3 (Witness reviews document.).

4 Q. Is that your conclusion?

5 A. Yes.

6 Q. And I think you're aware Mr. Dodson
7 essentially took the same approach to this.

8 Does that sound right?

9 A. Yes.

10 Q. And then on Appendix C, Page 4, you said the
11 Applicant's aesthetic quality evaluation
12 process is sound. It is based on a method
13 developed by the U.S. Bureau of Land
14 Management and is similar to a procedure that
15 is used in many aesthetic assessments; right?

16 A. Yes.

17 Q. And you more or less took the same
18 quantitative approach to aesthetic assessment
19 here that Mr. Dodson took; is that right?

20 A. We did, but we made important modifications
21 to it.

22 Q. Understood. And we've seen some of those.
23 And I will get back to some of those a little
24 bit later.

1 And then on scenic significance rating,
2 you have it as a combination of cultural
3 value and scenic quality. And that's in your
4 Appendix E at Page 3. Does that sound right?

5 A. It does. We have an enhanced definition of
6 "cultural."

7 Q. And DeWan used cultural value as well, though
8 you disagreed with him about how he later
9 used it as a screening tool; right?

10 A. Yes.

11 Q. And then finally, you're a proponent of
12 evaluating scenic resources from multiple
13 viewpoints; isn't that correct?

14 A. Could you repeat that, please?

15 Q. Yeah. I said you're a proponent of
16 evaluating a scenic resource from multiple
17 viewpoints, not a single point; is that
18 correct?

19 A. Yes.

20 Q. And again, that's something that DeWan did as
21 well; is that right?

22 A. At times he did, other times he didn't.

23 Q. And then with respect to photo simulations at
24 Appendix C, Page 2, you said that, with few

1 exceptions, the visual simulations that DeWan
2 did are professional and well crafted. Do
3 you remember saying that?

4 A. Yes.

5 Q. But you took issue with his interpretation of
6 those simulations; right?

7 A. Yes, I did. Some of the photo simulations I
8 felt were from perspectives that would
9 enhance the visual impacts -- would enhance
10 the capability of the Project to blend in
11 with its environment. And then a few of them
12 had structures and conductors that were
13 silhouetted against the sky where we felt
14 that the lighting and the contrast of the
15 structures on the background were inadequate.
16 So we took our own similar photographs and
17 own photo simulations to show the sky
18 lighting.

19 Q. Understood. I'd like to look at Page 8 now
20 of your VIA. And this contains your
21 methodology flow chart. I'm looking on the
22 upper right-hand side there where you compare
23 your methodology to DeWan's methodology. Do
24 you see that?

1 A. Yes.

2 Q. And in both of them, underlying the
3 description of the methodology in that gray
4 box is the phrase "potentially visible
5 sites"; is that right?

6 A. Yes.

7 MR. NEEDLEMAN: And on Page 8,
8 Dawn, if you could zoom back out.

9 BY MR. NEEDLEMAN:

10 Q. You said in that middle paragraph that scenic
11 resources with potential visibility were
12 identified based on a review of cartographic
13 data and site visits; right?

14 A. Right.

15 Q. And I think you told me at the tech session
16 that when you did this work, and I think you
17 repeated it this morning, you didn't use bare
18 earth maps. You used the viewshed maps with
19 vegetative screening that were prepared by
20 Mr. DeWan; is that right?

21 A. Yes.

22 Q. Now, earlier today when Ms. Connor was
23 questioning you, she asked you about whether
24 you had used those vegetative maps. You said

1 you did. She asked you, if you were doing a
2 full VIA, would you have used bare earth
3 maps, and you said you would. I'm curious as
4 to why you just didn't use the bare earth
5 maps. You had them available to you. You
6 could have used them if you wanted to. You
7 chose not to. Why?

8 A. We used the maps that were available. Are
9 you referring to viewshed maps?

10 Q. No, I'm referring to the fact that I think it
11 was in February of 2016 Mr. Dodson updated
12 his materials, pursuant to the new SEC rules,
13 and provided bare earth maps. So you had
14 those accessible to you at the time you did
15 your work, but you chose not to use them; is
16 that correct?

17 A. We didn't use them in our main report which
18 came out in December of 2015, I think it
19 would have been.

20 Q. I think it was 2016?

21 A. 2016.

22 Q. Right. But you could have if you wanted to;
23 right?

24 A. We could have if we had had access to them.

1 But I'm assuming if it says February
2 submission, it only dealt with leaf-off and
3 private property sites.

4 Q. Well, let's assume this: If Mr. Dodson
5 provided bare earth maps in February of 2016
6 and you filed your first report in December
7 of 2016, you could have had access to those
8 bare earth maps; is that right?

9 A. Yes.

10 Q. Okay. And in fact, in the work you did here,
11 as you were analyzing resources, you screened
12 out certain resources based on lack of
13 visibility. And let me pull up your
14 Appendix E to remind you of that.

15 MR. NEEDLEMAN: If we could go
16 there, Dawn, and start on Page 2.

17 BY MR. NEEDLEMAN:

18 Q. So this is Appendix E, Page 2. And Resource
19 No. 24, which is Smith Hill Road, in that
20 fifth column over you have an "N" there
21 indicating there was no visibility; right?

22 A. Right.

23 Q. And we don't have to go through them, but
24 there are two others; there's Resource 64 and

1 Resource 82 where you also had no visibility.
2 And then if we went over to Appendix F, we
3 would see that they dropped out of your
4 assessment because they weren't visible; is
5 that correct?

6 A. Correct.

7 Q. So, like DeWan, you were doing some screening
8 in your resource assessment for lack of
9 visibility; right?

10 A. Right.

11 Q. Now, there are also places in the work you
12 did where it seems to disagree with the way
13 in which T.J. Boyle approached certain
14 issues, and I'd like to ask you about that.

15 The first one is the use of cultural
16 value in assessing a scenic resource. I
17 think we saw earlier that you did that. And
18 in fact, in response to a question this
19 morning, you said to somebody that the use of
20 cultural value is, quote, "a legitimate way
21 to assess resources." Do you remember that?

22 A. Yes.

23 Q. So what I want to do is put up CFP
24 Exhibit 138. And this is T.J. Boyle's report

1 at Page 20 -- or their testimony. I'm sorry.

2 Now, T.J. Boyle takes the view that
3 there is no justification in Site 301.05 for
4 the use of cultural value to evaluate scenic
5 resources. Were you aware that that was
6 their opinion?

7 A. No.

8 Q. So I guess my question to you is: Do you
9 stand by what you did and do you think that
10 T.J. Boyle is wrong, or do you want to change
11 your view?

12 A. No, I think cultural value is a legitimate
13 standard to use. But I feel that DeWan &
14 Associates' definition of cultural value is
15 much too narrow. And I described this
16 morning that I think, in addition to official
17 designation and number of visitors, it's
18 important to consider historic resources,
19 historic land uses such as farming and
20 forestry, and some of the other aspects of
21 human interaction with the land that have
22 shaped New Hampshire's landscape.

23 Q. Understood. So, just getting back to my
24 question then with respect to this yellow

1 highlighting, you think T.J. Boyle is wrong.

2 (Witness reviews document.)

3 A. Yeah, I think so.

4 Q. Okay. Now, also in your report we talked
5 about a minute ago that your approach was to
6 analyze the Project by regions and as a
7 whole. Do you recall that?

8 A. I do.

9 Q. And you're aware of the fact that T.J. Boyle
10 didn't do that regional assessment for the
11 SEC portion of their analysis; is that right?

12 A. I wasn't aware of it.

13 Q. Does that surprise you now that you know
14 about it?

15 A. I think that taking a regional approach
16 identifying the different regions that the
17 Project goes through is important.

18 Q. And that's what Mr. Dodson did as well;
19 right?

20 A. Yes.

21 Q. And then we looked at this a moment ago. But
22 you praised the Applicant's use of a
23 BLM-based methodology. Do you recall that?

24 A. Hmm-hmm. Yes.

1 Q. And I just wanted to put up a document that
2 probably, likely you're familiar with this.
3 This is a BLM guidance document. It's
4 Applicant's 375. And this is BLM Document
5 8410, which is guidance for filling out
6 scenic quality forms. I take it you've seen
7 this before?

8 A. Yes.

9 Q. Yeah. And I want to direct your attention to
10 Page 4, and in particular, this quote which
11 says you have to evaluate these SQRUs, which
12 I believe are scenic quality rating units, by
13 observing the area from several important
14 viewpoints. The score should reflect the
15 evaluator's overall impression of the area.
16 I take it you agree with that?

17 A. Yes.

18 Q. And to the extent that T.J. Boyle did not
19 take this approach and look at multiple
20 viewpoints, but only looked at single
21 viewpoints, I take it you would disagree with
22 their approach?

23 A. Not necessarily. I think what they were
24 doing is considering different points along a

1 linear feature -- a road, a river, a large
2 lake -- and considering each one of those as
3 its own scenic resource. That was their way
4 of addressing several viewpoints. My feeling
5 is that, if you take a river, for example, it
6 can have, as we were discussing before,
7 different reaches or different segments, one
8 where there's steep banks and dense
9 vegetation and rocky shoreline, another
10 separate reach would be shallow banks, open
11 fields, sandy shorelines, and each one of
12 those would be the equivalent of a separate
13 scenic area or separate scenic resource.

14 Q. SPNHF Exhibit 66 is your supplemental
15 prefiled testimony. I'd like to turn to that
16 for a minute.

17 You filed your original testimony and
18 report in late December; is that correct?

19 A. Yes.

20 Q. And then you amended it on January 11, a few
21 days later. Do you recall that?

22 A. Yes.

23 Q. And at the same time you filed your original
24 report, T.J. Boyle filed their report; right?

1 A. Yes.

2 Q. And you're aware of the fact that they also
3 amended their report on January 20th?

4 A. Yes.

5 Q. And you reviewed all of their materials and
6 then subsequently filed your supplemental
7 testimony on April 17th; is that right?

8 A. Right.

9 Q. And I want to call up Page 4, Lines 12
10 through 14 of your supplemental testimony
11 where you say that you found it a noteworthy
12 conclusion of T.J. Boyle that more than
13 18,000 potential visual resources within the
14 Project's area of potential visual impact
15 should be further evaluated. Do you recall
16 saying that?

17 A. Yes.

18 Q. And then on Page 5, Lines 20 to 22, you said
19 that the very large number of potential
20 scenic resources identified by T.J. Boyle
21 "confirms my conclusion that DeWan &
22 Associates greatly underestimated the
23 sweeping extent of the Project's visibility
24 and impact on scenic resources." Do you

1 recall saying that?

2 A. Yes.

3 Q. Now, you didn't originally identify scenic
4 resources anywhere close to that 18,000
5 number that T.J. Boyle came up with; right?

6 A. Right.

7 Q. And in your January 11 supplemental
8 testimony, and I'll call that up now, on
9 Page 5, at the bottom, and we're going to
10 carry over to Page 6, you said that in
11 addition to viewpoints identified and
12 evaluated by DeWan and DOE, Dodson & Flinker
13 identified 57 viewpoints where the proposed
14 transmission line and corridor would be
15 visible. These are the resources identified
16 by SEC rules. Do you remember saying that?

17 A. Yes.

18 Q. Now I want to go to Page 7 of SPNHF 69, your
19 revised VIA.

20 So, looking at what you did here --

21 MR. NEEDLEMAN: Are we on the
22 right place, Dawn? I just want to be certain.
23 Oh, right. Okay. Yeah, the second full
24 paragraph that starts the methodology.

1 BY MR. NEEDLEMAN:

2 Q. This says the methodology identifies scenic
3 resources within a 10-mile radius of the
4 Project, including sites identified by the
5 Applicant, U.S. Department of Energy, and
6 additional sites identified by Dodson &
7 Flinker. Visibility of the Project from
8 public vantage points, especially from
9 scenic, cultural, recreational or natural
10 areas, is then determined based on analysis
11 of the Applicant's viewsheds, digital
12 modeling and field work. And then the last
13 sentence says, "This process yields a total
14 number of sites for further analysis." So
15 that's what you said in December of 2016; is
16 that correct?

17 A. Yes.

18 Q. And then I want to look at Applicant's 377.
19 That is the original version of your report.
20 And I want to look at Appendix E. And the
21 reason I'm going to the original version is
22 because the title of Appendix E changed in
23 your later version. But the title of
24 Appendix E in your original version was "D&F

1 Scenic Resources - Full List." Do you recall
2 that?

3 A. Yes.

4 Q. Okay. So when we received this VIA in
5 December and we saw that throughout the
6 entire document you represented that it was a
7 VIA, and we saw in that description that you
8 just read to us that the process you
9 described yields the total number of sites
10 for further analysis, and then we saw here
11 that you were calling this your full list of
12 D & F scenic resources, don't you think it
13 would have been reasonable for us to conclude
14 at that point that what we've got here is
15 what you believed to be the complete set of
16 scenic resources?

17 A. Given the time and budget that we were
18 working with, it was the full extent of what
19 we could do. But we didn't imply by that,
20 that there weren't many other sites that
21 would be worth looking into, including up
22 into the thousands that T.J. Boyle
23 identified. It just wasn't possible for us
24 at that moment to do that amount of

1 evaluation.

2 Q. Is there anywhere in your December 30th
3 document where you tell us or anybody else
4 reading it that because of budget limitations
5 this is the most you could do?

6 A. No.

7 Q. So we couldn't have known that; right?

8 A. Right.

9 Q. So when we got this document and saw all
10 those things we just went through, it would
11 certainly be reasonable for us to conclude on
12 December 30th that, according to what you say
13 here, that was your full list of scenic
14 resources; right?

15 A. It was the list of resources that we were
16 able to evaluate in the amount of time that
17 we had. But we never said that it was a
18 comprehensive list of resources for the whole
19 study area, for the full 132 miles. I don't
20 think that T.J. Boyle was able to evaluate
21 the thousands of resources that it
22 identified.

23 MR. NEEDLEMAN: Dawn, could we
24 go back to SPNHF 69 for a minute?

1 BY MR. NEEDLEMAN:

2 Q. I want to have in mind the title you use
3 here, and then I want to look at the
4 April 17th version for the title of
5 Appendix E.

6 So, there is Appendix E. In the
7 April 17th version you changed the title, and
8 now it says "D&F Sites Visited - Full List."
9 Why did you change the title?

10 A. I think it more accurately describes what we
11 actually did. We visited, I think it was 102
12 sites, and documented them with photographs.
13 And Appendix E is a list of all those sites.
14 I think that's a more accurate way of
15 describing it.

16 Q. Who decided to change that title?

17 A. Honestly, I don't remember. It could have
18 been me. It could have been Nate Burgess, my
19 associate.

20 Q. Are you aware of the fact that after T.J.
21 Boyle's initial filing and identification of
22 those 18,000 resources, they subsequently
23 reduced that number?

24 A. Yes.

1 Q. And do you know how much they reduced it to?

2 A. I think they came down to about 8,000.

3 Q. Yeah, it was about 7400 or so.

4 And I think when we discussed this
5 earlier, you disagreed that it's appropriate
6 to screen resources using vegetative
7 screening; right? That's how you did it
8 here.

9 A. To screen resources with vegetative
10 screening?

11 Q. Right. To assess them considering vegetative
12 screening; right?

13 A. To assess them based on vegetative screening
14 as opposed to bare earth?

15 Q. Let me take a step back. With the work you
16 did here, you used vegetative viewshed maps
17 and screened out resources based on
18 vegetation; right?

19 A. Yes, that was what we were working with.

20 Q. And were you -- I don't think you were
21 present when I cross-examined T.J. Boyle,
22 were you?

23 A. No.

24 Q. Did you have an opportunity to look at those

1 transcripts?

2 A. No, I didn't.

3 Q. Were you aware that the Applicants pointed
4 out that, with respect to that Boyle list of
5 7400 or so, we believed that there were
6 duplicates on that list and many resources
7 that didn't necessarily qualify as scenic
8 resources? Did you know that?

9 A. It was my understanding that the list of
10 18,000 was edited down partially due to
11 duplicates.

12 Q. I'm referring to the list of 7400. Were you
13 aware of what I just told you?

14 A. No.

15 Q. So, regarding Boyle's list of 7400 -- I want
16 to call that up for a moment. This is
17 Counsel for the Public's Exhibit 139. It's
18 T.J. Boyle's supplemental report, and this is
19 Appendix G, at Page 4. Is this familiar to
20 you?

21 (Witness reviews document.)

22 A. Yes, I've seen this.

23 Q. Is it your belief that T.J. Boyle properly
24 applied the definition of "scenic resources"

1 in the regulations with respect to all the
2 work they did?

3 MS. BOEPPLE: Objection. He's
4 calling for speculation on the part of this
5 witness, in terms of what the thought process
6 was and analysis was in the T.J. Boyle report.

7 MR. NEEDLEMAN: I don't think
8 there's anything speculative about it. He's
9 testified extensively today about his view of
10 T.J. Boyle and the application of this. I'm
11 asking him if he thinks they did it right.

12 CHAIRMAN HONIGBERG: I thought
13 that was the question, "Do you think he did it
14 right?" That was the question. Yeah,
15 objection's overruled.

16 A. Could you repeat the question?

17 BY MR. NEEDLEMAN:

18 Q. Sure. Do you believe that T.J. Boyle
19 properly applied the definition of "scenic
20 resource" in all of the work that they did?

21 A. Yes.

22 MR. NEEDLEMAN: So I want to
23 look at, Dawn, if you can highlight partway up
24 Site 102.45(c), scenic drives.

1 BY MR. NEEDLEMAN:

2 Q. See that?

3 (Witness reviews document.)

4 Q. So, of the 7417 resources here, T.J. Boyle
5 identified over half of them as "scenic
6 drives" pursuant to this regulatory site.
7 Are you familiar with that?

8 A. Yes.

9 Q. And it's your opinion that they did that
10 correctly?

11 A. I believe that they did. And "scenic drives
12 and rides" are one of the SEC's criteria
13 under 102.45.

14 Q. Under 102.45(c); is that right?

15 A. Yes.

16 Q. I want to come back to that in a minute.

17 I also want to ask you, earlier you were
18 asked about how T.J. Boyle -- I think it was
19 Ms. Connor asked you about how T.J. Boyle
20 identified certain current-use parcels as
21 scenic resources, and I think you said you
22 agreed with that approach; right?

23 A. Yes.

24 Q. And you're aware that those parcels aren't

1 even included among the 7400; is that right?

2 A. I wasn't aware of that.

3 Q. In reaching your conclusion that T.J. Boyle
4 properly included those current-use parcels,
5 what analysis are you relying on?

6 A. In terms of evaluating their impact on the
7 roadway?

8 Q. Well, no. You're offering the opinion that
9 T.J. Boyle correctly includes current-use
10 parcels in the definition of scenic resource.
11 And I didn't see anything in any of your
12 materials where you talk about current use.
13 So I'm wondering what analysis you did or
14 what analysis you're relying on to reach your
15 conclusion.

16 A. I think the focus shouldn't be on current use
17 necessarily. I think it should be based on
18 the actual physical and visual reality of
19 that particular scene. If you're traveling
20 on the road and you see a hillside, a meadow
21 and a stream, you would evaluate that as a
22 visual resource, regardless of the taxation
23 or ownership issues involved.

24 Q. Do you know how the New Hampshire current use

1 program works?

2 A. I'm assuming that it's a tax abatement
3 program.

4 Q. Did you do any work to understand how it
5 works?

6 A. No.

7 Q. Okay. Let me go back to your Exhibit 69,
8 Page 5. This is your VIA again. And you say
9 on Page 5, under No. 1, that the filtering
10 methodology which the Applicants used
11 eliminates many viewpoints and scenic
12 districts that contribute to the aesthetic
13 quality of New Hampshire tourism regions;
14 right?

15 A. Right.

16 Q. I asked you a little bit earlier about Antrim
17 and Merrimack Valley. I just want to go back
18 to that for a minute.

19 Were you aware that the filtering
20 process that DeWan used here was very similar
21 to the filtering process that the visual
22 experts used in Merrimack Valley and Antrim?

23 A. No.

24 Q. Were you aware that the way in which DeWan

1 identified resources here was similar to the
2 way in which the experts in Antrim and MVRP
3 identified scenic resources?

4 A. No, I wasn't.

5 Q. If it turned out that DeWan's approach to
6 filtering and identifying scenic resources
7 was in fact the same as those other two cases
8 and yours was different, would that be a
9 cause of concern for you?

10 A. No.

11 Q. And why is that?

12 A. Because I think this project is unique and
13 because I think that it would benefit from a
14 different perspective. I know I haven't
15 evaluated transmission projects before, but
16 I've done very many other types of projects
17 in a number of different states. So I think
18 that it's useful to have a fresh perspective
19 on this current situation, all of it under
20 the terms and conditions of the SEC rules.

21 Q. Do you think applying the SEC rules
22 consistently from case to case would be
23 important?

24 A. Yes.

1 Q. If in the Antrim and MVRP VIAs they didn't
2 assess public roads the way you did, would
3 that be important to you?

4 A. I think some variation is natural and
5 healthy, actually, as long as it conforms to
6 the SEC rules. I think there are different
7 ways of interpreting some of these rules,
8 and, you know, again, with a fresh
9 perspective.

10 Q. Given that view that you just expressed, that
11 there are different ways of interpreting
12 these rules, don't you think, as someone
13 who's never done a VIA in New Hampshire, it
14 might have benefited you to see how these
15 other experts did their VIAs in the previous
16 SEC cases?

17 A. It would have. But on the other hand, again,
18 as I say, I think it's important to follow
19 the SEC rules carefully. But I think within
20 the rubric of those rules there's room for a
21 unique focus on the particularly unique
22 characteristics of the current project.

23 Q. Did you take any time to look at how the Site
24 Evaluation Committee reacted to the VIAs in

1 Antrim and MVRP and how they went about
2 making their decision on visual resources in
3 those cases?

4 A. No.

5 Q. Don't you think it would have been beneficial
6 to you to have done that and understood how
7 the Committee thinks about those issues?

8 A. Yes.

9 Q. And so the fact that you didn't do it, is
10 that now a cause of concern for you?

11 A. I think it would have benefited my work. I'm
12 not sure if it would have changed my opinions
13 or my approach because we've been careful to
14 follow the SEC rules. But we do it, again,
15 with our own unique perspective.

16 Q. Going back to your VIA, SPNHF 69, Page 5,
17 under No. 2, you said that the DeWan VIA,
18 quote, "ignores numerous impacts to valued
19 local, regional and state scenic resources."
20 Do you recall saying that?

21 A. Yes.

22 Q. So I want to understand that point a bit
23 better by looking at how you did some of your
24 work here. And let's start by turning to

1 your Appendix E. So this is, I think, five
2 pages long. And my understanding is that
3 Appendix E is the list of the 102 resources
4 that you identified here; is that right?

5 A. That's right.

6 Q. And so if we look at Column 1, it says "Log
7 ID," and then we just run our eyes down, and
8 you're sort of numerically identifying each
9 resource; is that right?

10 A. That's right.

11 Q. So I want to jump to Page 5 for a minute.
12 And I'm going to ask you to just look toward
13 the bottom. Do you see where you count 90,
14 91, 92, and then it jumps to 100?

15 A. Yes.

16 Q. So there's a gap there, I think. Just so
17 we're talking about the same number of
18 resources, am I correct to say that you
19 actually didn't evaluate 102 resources, but
20 you actually evaluated a total of 93
21 resources?

22 A. That's correct.

23 Q. Okay. And with respect to those 93
24 resources, when you look at this chart in the

1 second column, it says "Duplicate Resource."

2 I think that's what it means; is that right?

3 A. That's right.

4 Q. And in this column, I think what you're doing
5 is you are identifying resources that DeWan
6 also evaluated versus resources that only you
7 evaluated.

8 A. Right.

9 Q. Right? And so I want to put up Applicant's
10 Exhibit 373.

11 We went through your list very
12 carefully, and what we found is, in addition
13 to the 33 resources that you said DeWan
14 evaluated, there are an additional 15 which
15 he evaluated and you didn't give him credit
16 for. And I realize this is new to you, but
17 we've included all the citations here. And
18 I'll give you a minute to look at it. But
19 what I'm going to ask you to do is to assume
20 this is true. Let me know when you're ready.

21 (Witness reviews document.)

22 A. And what are we looking at on the screen now?

23 Q. So in your Appendix E you listed the exhibits
24 [sic] that you acknowledged DeWan reviewed.

1 Do you recall that?

2 A. Hmm-hmm. Yeah.

3 Q. And in fact, DeWan reviewed more resources
4 than you acknowledged on your chart. That's
5 what we're saying. And these are the
6 additional 15 resources that we're saying he
7 in fact did review that you didn't
8 acknowledge on your chart. Do you
9 understand?

10 A. Yes.

11 Q. Okay. And I realize you haven't had time to
12 look at this, so what I'm going to do is ask
13 you, for purposes of my questions, to just
14 accept that this is true. Can you do that?

15 A. Well, I'm not sure it is true in all cases.
16 For example, Nottingham Road, Deerfield, we
17 evaluated that from a distance of probably
18 three quarters of a mile. Another half a
19 mile from that, the transmission line
20 intersects the road. I believe that's where
21 Mr. Dodson took his simulation from.

22 Q. Well, let's do it this way so we don't have
23 to have a dispute about it: We've identified
24 every place in here where we're saying DeWan

1 did the evaluation. I will ask you
2 hypothetically to assume that this chart is
3 correct. Okay?

4 A. And is the list of location names a complete
5 list of duplicates?

6 Q. They're not duplicates. This is simply 15
7 resources on your chart that we think DeWan
8 evaluated, that you said he didn't. And I'm
9 just asking you, for purposes of this
10 discussion, to assume --

11 MS. BOEPPLE: Chair, I'm going
12 to object because I can tell the witness is
13 confused by what it is that this represents,
14 and I don't think he's laid a foundation
15 sufficient for him to be able to respond to
16 questions on this.

17 CHAIRMAN HONIGBERG: It may be
18 that we haven't gotten the witness and the
19 lawyer on the same page yet, but I think he can
20 get there. But I guess I want to tell Mr.
21 Dodson about hypotheticals.

22 Assuming what Mr. Needleman
23 represents to you is true, we're going to ask
24 you to accept that and answer questions

1 assuming that it's true. If it's not true,
2 then, of course, all your answers won't make
3 sense and somebody will deal with that later.
4 It appears that you have some other concerns
5 about what is on this list. But the notion
6 of hypotheticals is one you can deal with;
7 right?

8 MR. DODSON: I would prefer to
9 handle it on a case-by-case basis.

10 CHAIRMAN HONIGBERG: We do ask
11 witnesses to play the game, play the
12 hypothetical game. Now, maybe you'll need to
13 do it one by one. But let's see if Mr.
14 Needleman can get you to a point where you're
15 working together to get him answers to the
16 questions he's asking. Okay?

17 THE WITNESS: Sure.

18 BY MR. NEEDLEMAN:

19 Q. All right. So we start with your universe of
20 93 resources, and then we give credit to
21 DeWan for the 33 that you acknowledge he
22 evaluated. Fair enough?

23 A. Yes.

24 Q. Okay. So, 93 minus 33 is 60. Do you agree?

1 A. Yes.

2 Q. And then we say, based on this exhibit, that
3 there are 15 more that DeWan evaluated that
4 you didn't give him credit for.

5 A. And you prepared this exhibit?

6 Q. Correct. If you assume that to be true, then
7 there are only 45 resources on your list of
8 93 that you evaluated which DeWan did not
9 evaluate; correct?

10 A. I'm not sure about that. On the Appendix E
11 list, those included sites that we
12 photographed and evaluated. It also included
13 photo simulations from DeWan & Associates'
14 VIA that we critiqued.

15 Q. Let's do it this way, Mr. Dodson: In
16 Appendix E, which you created, do you
17 acknowledge that of the 93 resources you
18 listed there, next to 33 of them you wrote
19 "DeWan," which means you acknowledged that
20 DeWan evaluated those resources?

21 A. Yes.

22 Q. Okay. So that means that you've acknowledged
23 that DeWan evaluated 33 of the 93 resources.
24 Are we on the same page?

1 A. Yes.

2 Q. Which means there are 60 resources left that
3 you maintain he didn't evaluate; right?

4 A. That's right.

5 Q. And then, if you take these 15 resources, and
6 I asked you to assume that in fact DeWan did
7 evaluate them for purposes of these
8 questions, that would mean that there are 45
9 left on your list; is that right?

10 A. Right.

11 Q. Okay. So I want to focus on those 45. Can
12 we do that?

13 A. Sure.

14 Q. Sure. Great.

15 So now I want to pull up Applicant's
16 376.

17 A. Could I just make one more comment about
18 this?

19 Q. Sure.

20 A. I've been looking at some of these locations,
21 and I think what's going on is that, you
22 know, at least the ones that I've identified,
23 we may have both photographed and evaluated
24 sections along the same road or the same

1 river, but at considerably different
2 distances, similar to what I described about
3 Nottingham Road where our evaluation points
4 were probably a mile or more apart. So you
5 could say that we both evaluated Nottingham
6 Road, but it was at very different locations
7 and perspective.

8 Q. Understood. And I'm sure the lawyers will
9 argue about that at a later date. What I
10 want to do is focus on the 45 we've got left,
11 okay. And I want to pull up Applicant's 376.

12 So these are the 45 remaining resources.
13 And I take it that generally that list is
14 familiar to you. Those are your resources;
15 right?

16 A. Yes.

17 Q. On this list, 43 of these 45 resources are
18 roads. Does that sound right to you?

19 A. Yes.

20 Q. And I believe that there's not a single road
21 on this list that's a designated scenic road
22 at a local, state or federal level. Does
23 that sound right?

24 A. No, it doesn't.

1 Q. Okay. Which roads on this list are
2 designated scenic roads?

3 (Witness reviews document.)

4 A. I don't see any on this list, but I know that
5 a number of our simulations were on scenic
6 roads -- for example, the Moose Path Trail.

7 Q. Sure. And that's on the other list which we
8 talked about a moment ago. And now I want to
9 focus on these 43 roads.

10 MR. NEEDLEMAN: And Dawn, I'm
11 going to ask you to call up Site 102.45(c).

12 BY MR. NEEDLEMAN:

13 Q. I'm sure this is something you're very
14 familiar with. This is the Site Evaluation
15 Committee's definition of "scenic resources."
16 You've seen this before; right?

17 A. Yes.

18 Q. And when we were talking earlier about
19 Counsel for the Public's identification of
20 roads and you said you agreed with their list
21 of 3900, that was in reference to 102.45(c),
22 which is what's highlighted here. Do you
23 recall that?

24 A. Yes.

1 Q. And I take it that, with respect to the roads
2 you identified, you also identified them in
3 reliance on 102.45(c); is that right?

4 A. That's right.

5 Q. So the 43 roads that are on that list are on
6 your list because you believe this definition
7 requires them to be there.

8 A. Yes, especially scenic drives and rides.

9 Q. Okay. So when you look at that list, it says
10 "lakes, ponds, rivers, parks, scenic drives
11 and rides, and other tourism destinations
12 that possess a scenic quality." Do you see
13 that?

14 A. Yes.

15 Q. There isn't any discussion anywhere in your
16 VIA or anywhere in any of your supporting
17 materials that talks about why you consider
18 those 43 roads to be a tourism destination;
19 isn't that correct?

20 A. Not necessarily a tourist destination, but
21 certainly a scenic drive and ride.

22 Q. In fact --

23 A. I think tourism destination is an additional
24 qualifier. But I think the underlying

1 characteristic of those roads is that many of
2 them are scenic drives and rides.

3 Q. So, in fact, you'd agree with me that, of
4 those 43 roads on your list, none of them are
5 tourist destinations; right?

6 A. They are if you consider the way people tour
7 New Hampshire, both New Hampshire residents
8 and visitors from out of state. They don't
9 necessarily seek out the official scenic
10 byways. A lot of people drive through the
11 countryside, interested in the overall
12 character of the New Hampshire landscape.

13 Q. So is it your testimony that tourists
14 identify one of those 43 roads on your list
15 as a destination that they would like to
16 visit?

17 A. I would say that those roads are part of the
18 itinerary that a tourist would have to
19 explore one of the tourist regions of this
20 state.

21 Q. And aside from what you're saying here today,
22 is there anything in any of the documents
23 that you've created in this case that support
24 the assertions you're making? Any page you

1 can point us to that lends support to what
2 you're saying?

3 A. That lends support to the fact that these
4 roads are driven by --

5 Q. Are tourism destinations.

6 A. I don't think we specifically identified them
7 as "tourism destinations." But I think the
8 way I read the sentence is that some of the
9 issues -- some of the landscape types that
10 are to be considered are lakes, ponds,
11 rivers, parks, scenic drives and rides, and
12 other tourism destinations that possess a
13 scenic quality. So the way I read it is
14 scenic drives and rides can be independent of
15 tourism destination.

16 Q. So you don't think the word "other" in that
17 sentence has any meaning.

18 A. I don't think it applies to the other
19 features in that sentence.

20 MR. NEEDLEMAN: Okay. So, Dawn,
21 can we go back to the list of 45?

22 BY MR. NEEDLEMAN:

23 Q. Now, setting aside those 43 roads we just
24 talked about, the only two resources left on

1 this list are Alton Woods in Concord and the
2 Concord Municipal Airport. And we've
3 highlighted those in yellow. Do you see
4 that?

5 A. Yes.

6 Q. Why is the Concord Municipal Airport on your
7 list as a scenic resource?

8 A. Because we visited that site and photographed
9 it, but determined that the Project would
10 have very limited or no visibility there.

11 Q. But it's still on your list as a scenic
12 resource.

13 A. This is a list of sites that we visited, not
14 scenic resources.

15 Q. It was originally a full list of scenic
16 resources, and then it became a list of sites
17 you visited; right?

18 A. It's a little unclear to me how you created
19 these lists. I'm used to seeing the full
20 list of all the sites we visited.

21 MR. NEEDLEMAN: Okay. Dawn, can
22 we pull up Appendix E? Yeah, first one,
23 Appendix E, SPNHF 69 I think.

24 BY MR. NEEDLEMAN:

1 Q. So there's your full list. And let's go down
2 now to No. 34. Do you see No. 34 on your
3 full list?

4 A. Yes.

5 Q. That's Alton Woods. I think No. 50 was the
6 Concord Airport. Let's go to that one. See
7 that?

8 A. Yes.

9 Q. Okay. So now we're looking at the list you
10 created.

11 Just back to my question. How did the
12 Concord Airport end up on this list as a
13 scenic resource?

14 A. Because it was in the viewshed that we were
15 working from.

16 Q. Okay. And same question for Alton Woods.
17 Why is Alton Woods on your list as a scenic
18 resource?

19 A. Similarly, it was in the viewshed map.

20 Q. Do you understand that Alton Woods is a
21 collection of privately-owned residences?

22 A. Yes. I believe there's a public way that
23 services them.

24 Q. And so, notwithstanding the fact that it's

1 essentially a collection of private
2 residences, you include them as a scenic
3 resource?

4 A. Yes. I think, again, to not be comparing
5 apples with oranges, we looked at each of the
6 physiographic zones, and within those, each
7 of the land types as areas to be evaluated
8 for what their characteristics are. And when
9 you're working in Concord, you're dealing
10 with urban and suburban qualities. But I
11 think those can be judged based on suburbs
12 and city centers. So that's why something
13 like Alton Woods can be a scenic resource,
14 because we're evaluating it based on other
15 suburban resources.

16 Q. Let's go to your VIA at Page 5.

17 MR. NEEDLEMAN: Dawn, this is
18 SPNHF 69, Page 5. And if you could just blow
19 up all of No. 2, Dawn.

20 BY MR. NEEDLEMAN:

21 Q. The last sentence there says, again,
22 criticizing DeWan, that his methodology also
23 ignores the impacts to numerous residences.
24 And so I take it, based on that statement and

1 based on what you just said about Alton
2 Woods, that you believe the SEC rules require
3 the assessment of visual impacts at private
4 residences.

5 A. I don't think uniquely focusing on private
6 residences is justified. I don't believe our
7 analysis was just based on the private
8 residences, but on the street. And certainly
9 in other cases, like the one I mentioned this
10 morning, where the view of the landscape
11 includes a mountain, a road that are in
12 public domain, and then a field and a
13 farmstead and some woods around the farmstead
14 that are private property, I think the
15 private components of that and the public
16 components of that are both part of the
17 scenic resource. So I think just because
18 something's a private residence doesn't
19 eliminate it from consideration, as long as
20 there are other components in the view.

21 Q. So I want to ask you about that. What you're
22 essentially saying, I think, is if someone's
23 driving along the road, which is not a
24 designated scenic resource, and there's a

1 beautiful historic farmhouse siting there in
2 the distance which is private, and in the
3 distance beyond the farmhouse maybe you can
4 see the transmission line, what you're saying
5 is that you have got to account for the view
6 from that undesignated road of that private
7 residence; right? You're saying "views of
8 resources" are important to you, not just
9 "views from resources"; right?

10 A. That's right.

11 MR. NEEDLEMAN: Okay. Dawn, I
12 want to call up -- well, first, let's call up,
13 what is this exhibit number? Applicant's
14 Exhibit 347.

15 BY MR. NEEDLEMAN:

16 Q. So this is composite of just various SEC
17 rules. And what I've done is highlighted
18 places in these rules where it talks about
19 visibility from scenic resources. Let me
20 start by ask you: How carefully did you read
21 the SEC rules before you went about doing
22 your work here?

23 A. Very carefully.

24 Q. And so you see on this page, when it talks

1 about how visual impact assessments are done,
2 it talks in a couple places about scenic
3 resources, visibility from the scenic
4 resource, scenic resources from which the
5 proposed facility would be visible. Do you
6 see that?

7 A. Yes.

8 Q. Let's go over to the next page. And there's
9 a bunch of yellow highlighting there, and
10 again there are a lot of descriptions talking
11 about "from the scenic resource." Do you see
12 all those?

13 A. Yes.

14 MR. NEEDLEMAN: Let me jump to
15 the last page here, Dawn, Page 4.

16 BY MR. NEEDLEMAN:

17 Q. And these are four of the seven SEC criteria,
18 the criteria that the Site Evaluation
19 Committee needs to apply in order to make
20 determinations about whether there are
21 adverse effects. And Criteria No. 4 talks
22 about the scope and scale of the change in
23 the landscape visible from affected scenic
24 resource. Do you see that?

1 A. Yes.

2 Q. And the last one talks about assessing a
3 dominance and prominence view from scenic
4 resources. Do you see that?

5 A. Yup. Yes.

6 Q. It doesn't say anything there about "views of
7 scenic resources," does it?

8 A. It doesn't. But if you're on a road that
9 looks out over this beautiful view of the
10 historic farmstead, the woods and then the
11 mountains, your road is by definition
12 "scenic." It doesn't have to have that
13 official designation to be part of the DeWan
14 & Associates eligibility list. That road is
15 a typical example of one of our regional or
16 local roads that has very scenic
17 characteristics that should be considered,
18 regardless of whether it's an officially
19 designated road. So what I'm describing is
20 the view also applies to the road. So, in
21 essence, you are in the scenic resource.

22 Q. So when you read No. 4, you understand it to
23 mean that non-designated road. It would be a
24 road like we looked at before under your

1 definition of 102.45(c).

2 A. Yes.

3 Q. And you would say the same thing for No. 6, I
4 assume; right?

5 A. Yes. You're standing on a road. You're
6 seeing a very beautiful, typical New
7 Hampshire scene. And my take on it would be
8 that that road is also scenic, regardless of
9 whether it's officially designated.

10 Q. I want to call up Applicant's Exhibit 377.
11 This is the original VIA that you prepared
12 and provided to us back in December. And I
13 want to start by looking at Appendix F, which
14 was your assessment data. Do you recall
15 this?

16 A. Yes.

17 Q. Okay. And according to what you said, this
18 reflects your assessment of the Project's
19 visual characteristics and impacts using a
20 quantitative analysis; right?

21 A. Yes.

22 Q. And you used this to form the basis for your
23 ratings for things like cultural value,
24 aesthetic quality, et cetera; right?

1 A. Yes, we used the SEC criteria.

2 MR. NEEDLEMAN: And Dawn, if we
3 can just jump over to the next page.

4 BY MR. NEEDLEMAN:

5 Q. And if you look at the sixth column over,
6 that's your rating column for aesthetic
7 quality. See that?

8 A. Yes.

9 Q. And I think you acknowledged earlier today
10 that, in your view, the way that DeWan went
11 about doing their aesthetic quality
12 evaluation was sound; right? That was the
13 BLM process.

14 A. Yes.

15 Q. But you went on to say that the problems with
16 DeWan's analysis lie mainly in the way he
17 applied his method to specific landscapes;
18 right?

19 A. Right.

20 Q. So, in essence, what you're saying is you're
21 challenging DeWan's conclusions. You're
22 saying sound methodology, poor conclusions;
23 right?

24 A. Yes.

1 Q. Okay. So I want to look at Appendix F,
2 Page 2. Are you there? This is the
3 spreadsheet. And there are multiple pages to
4 it, but they're all styled the same way.
5 This is the spreadsheet that you provided in
6 December of 2016 to us. And under Aesthetic
7 Quality, you have scores of 1, 3 or 5; is
8 that right?

9 A. Yes.

10 Q. And in this December 30th report, in this
11 spreadsheet, you didn't provide any
12 assessment at all of the individual
13 categories that make up that BLM methodology
14 we were talking about earlier, things like
15 land form, vegetation, water bodies, color,
16 view, uniqueness, impact of human
17 development. None of that was here when you
18 did your work originally in December of 2016;
19 correct?

20 A. Well, this was based on a separate document
21 which is our working sheets, which is a very
22 detailed Excel document --

23 Q. Right.

24 A. -- that addresses the various aesthetic

1 quality components.

2 Q. And I want to talk about that because this
3 sheet in the April report that you prepared
4 looks very different, doesn't it? It now
5 actually has all those BLM categories in it;
6 correct?

7 A. Are you talking about this sheet that's on
8 the screen here?

9 Q. No, I'm talking about when you revised this
10 sheet and gave us your April report, you
11 added a bunch of columns to it. Right?

12 A. I don't believe so.

13 Q. All right. We're going to look at that in a
14 minute and then I'll come back to this.

15 Do you recall, after you provided this
16 report to us, we had a lot of difficulty
17 understanding how you assessed aesthetic
18 quality, and so we asked you for further
19 information on that? Do you remember that?

20 A. Yes. Yeah.

21 Q. And in February we sent some data requests to
22 you on that specific point. Do you remember
23 that?

24 A. Yes.

1 Q. And I want to pull that data request up.
2 It's Applicant's Exhibit 378. And in this
3 data request we asked you to provide all the
4 matrices that you used to assess aesthetic
5 quality for all resources and landscapes in
6 your original list. Do you remember us
7 asking you for that?

8 A. Yes.

9 Q. And you told us to look at Appendix D and F
10 in order to find that information; right?

11 A. Yes.

12 Q. And we just looked at Appendix F, and the
13 only thing in Appendix F that we could find,
14 the only thing there were those ratings, 1, 3
15 and 5; is that right?

16 A. Yes.

17 MR. NEEDLEMAN: And then
18 Appendix D, we can call that up right now. And
19 let's go to the next page, Dawn, of Appendix D.

20 BY MR. NEEDLEMAN:

21 Q. And when we were trying to understand what
22 you did here on this issue, this is all we
23 have in Appendix D; right? It's the
24 Aesthetic Quality Evaluation Chart. There's

1 nothing else; right? There's no raw data
2 here, no worksheets, nothing; right?

3 A. Hmm.

4 Q. Is that correct?

5 A. Yeah.

6 Q. And so we got to the technical session on
7 March 23rd, 2017, and we again raised this
8 issue with you. Do you remember that? We
9 asked you for these matrices and this
10 underlying data so we could understand how
11 you did this analysis. Do you remember me
12 asking you that?

13 A. Yes.

14 Q. And we made a data request at the technical
15 session and again asked for that material.
16 Do you remember that?

17 A. Yes.

18 Q. And you answered that data request. Do you
19 recall doing that?

20 A. I think it may have been my associate, Nate
21 Burgess.

22 Q. Okay. Well, let's pull that answer up and
23 maybe that'll refresh your memory.

24 MS. BOEPPLE: I'm going to

1 object to the introduction of anything from the
2 technical session which was not recorded and is
3 not part of an official record.

4 MR. NEEDLEMAN: These are data
5 responses.

6 MS. BOEPPLE: Are they part of
7 the record here?

8 CHAIRMAN HONIGBERG: Not yet. I
9 think it's a data response he's about to make
10 part of the record.

11 MR. NEEDLEMAN: So let's pull
12 that up. It's Applicant's 379.

13 BY MR. NEEDLEMAN:

14 Q. Look at No. 3, please. We asked you again to
15 provide worksheets identifying the work to
16 eliminate 36 of 57 resources. And then go to
17 No. 5, and again we asked you for Excel
18 spreadsheets containing all the evaluated
19 sites. Do you remember that?

20 (Witness reviews document.)

21 Q. Mr. Dodson, do you remember that?

22 A. No.

23 Q. Is this not familiar to you?

24 A. Can you zoom out to the whole document?

1 Q. Sure. Have you seen this before? We can go
2 to the first page.

3 A. Yeah, the first page would be great.

4 (Witness reviews document.)

5 Q. Were you consulted regarding the responses to
6 this?

7 A. No, I don't think I've seen this.

8 Q. All right. Well, I'm going to ask you about
9 the substance of one of the responses because
10 I think it does relate to your work.

11 MR. NEEDLEMAN: Let's go to
12 No. 5, Dawn.

13 MS. BOEPPLE: I'm going to
14 object again. Mr. Dodson has just testified
15 that he hasn't seen this. He's not familiar
16 with it.

17 MR. NEEDLEMAN: Well, let's see
18 if he's familiar with the substance.

19 BY MR. NEEDLEMAN:

20 Q. So when we again asked for these
21 spreadsheets, which we did request of you
22 directly at the technical session, we were
23 told, notwithstanding the foregoing
24 objections, the Forest Society is in the

1 process of preparing a document that will be
2 part of the supplemental prefiled testimony
3 which will be responsive to this data
4 request. Do you see that?

5 A. Yes.

6 Q. So is it correct to say that, as of this date
7 in late March when this answer was provided
8 to us, there were no underlying spreadsheets
9 in existence that supported the analysis that
10 you did in those charts in your December
11 report? It didn't exist; right?

12 A. The charts exist. I was under the assumption
13 that they had been sent to you.

14 Q. No, I'm not talking about the charts. I'm
15 talking about the underlying spreadsheets
16 which we requested multiple times, were never
17 provided, and then here we were told they
18 were being created and would be provided to
19 us. Do you see that?

20 A. Yes. They already existed.

21 Q. Well, then, why weren't they given to us, Mr.
22 Dodson? We asked for them multiple times.
23 Do you know why they weren't given to us?

24 MS. BOEPPLE: So what's the

1 relevance of this at this point?

2 CHAIRMAN HONIGBERG: Well, I
3 think you've got a "he doesn't know" objection,
4 too.

5 MS. BOEPPLE: Yes.

6 CHAIRMAN HONIGBERG: Sustained.

7 BY MR. NEEDLEMAN:

8 Q. Are you --

9 MS. BOEPPLE: Don't answer that.

10 CHAIRMAN HONIGBERG: I think
11 he's going to start another question.

12 BY MR. NEEDLEMAN:

13 Q. So are you saying that the spreadsheets that
14 we were told here were being created actually
15 already existed when we asked for them?

16 A. Yes.

17 Q. And do you believe that you have now provided
18 those spreadsheets?

19 A. I assumed that my associate had sent them to
20 you.

21 Q. Where are they?

22 A. They're in our --

23 MS. BOEPPLE: I'm going to make
24 another objection. We've had a -- we've gone

1 back and forth on this. There's clearly some
2 information Mr. Needleman is looking for that
3 Mr. Dodson doesn't have a response to, and he's
4 testified to that.

5 CHAIRMAN HONIGBERG: Well, I
6 think Mr. Needleman can ask where or who has
7 them, who has control of the spreadsheets that
8 apparently exist.

9 MS. BOEPPLE: Assuming there's
10 something like that that exists. We haven't
11 even established that because Mr. Dodson
12 doesn't know anything about what he's talking
13 about.

14 CHAIRMAN HONIGBERG: No, he
15 testified that they do exist, that he assumed
16 that his associate had provided them. So he's
17 testified that they exist.

18 MS. BOEPPLE: If he's clear on
19 what "this" is.

20 CHAIRMAN HONIGBERG: Okay. Mr.
21 Needleman, why don't you run that to ground to
22 make sure that there's no ambiguity about that.

23 BY MR. NEEDLEMAN:

24 Q. It's your testimony that at the time you

1 prepared your report on December 30th and
2 provided it to us, there were underlying
3 spreadsheets that explained in detail how you
4 came up with your ratings for things like
5 aesthetic quality. You were saying those
6 existed.

7 A. Yes.

8 Q. And so when we requested those in our
9 original data requests and you told us to see
10 Appendices D and F, why didn't you instead
11 provide those sheets to us?

12 A. I had assumed that the sheets had been
13 provided to you because I recall you asking
14 for them at the technical session, and I
15 suppose you asked a second time in discovery.
16 And my assumption was that those documents,
17 those Excel spreadsheets, had been sent to
18 you.

19 Q. Would it surprise you to learn that at no
20 point in the process did I ever see those
21 documents?

22 A. Yes, I am surprised.

23 MR. NEEDLEMAN: Dawn, let's go
24 to Applicant's Exhibit 380.

1 CHAIRMAN HONIGBERG: Off the
2 record.

3 (Discussion off the record)

4 CHAIRMAN HONIGBERG: We'll take
5 a ten-minute break.

6 (Recess was taken at 2:54 p.m.
7 and the hearing resumed at 3:13 p.m..)

8 CHAIRMAN HONIGBERG: Mr.
9 Needleman.

10 MR. NEEDLEMAN: Thank you.

11 BY MR. NEEDLEMAN:

12 Q. Mr. Dodson, I want to move on to asking you
13 some other questions about your analysis
14 chart.

15 You also, in the work you did here as
16 part of analyzing these resources, looked at
17 the extent, nature and duration of use; is
18 that right?

19 A. Yes.

20 Q. And in Applicant's Exhibit 377, which again
21 is your original VIA, and I believe this is
22 Appendix D, this is your description here of
23 what you were looking at in order to
24 determine whether you would give extent,

1 nature and duration of use a 5, a 3 or a 1;
2 is that right?

3 A. Yes.

4 Q. And I think you -- I think there's a typo
5 here, because in each one of these, even
6 though they're supposed to deal with high,
7 medium and low impacts, every one of them
8 talks about high impacts; is that right?

9 A. That's typo.

10 Q. But I take it we should, just for the middle
11 one, for example, read it as "Proposed
12 facility will have a medium impact due to the
13 extent, nature, duration and use of existing
14 resources"; is that right?

15 A. Yes.

16 Q. So, somebody looking at the material you
17 provided to us in December of 2016, if they
18 wanted to understand how you went about
19 making determinations of extent, nature and
20 duration of use, they'd look here; is that
21 right?

22 A. That's right.

23 Q. And then if we go to Appendix F, the first
24 page, this was the chart that accompanied

1 that. And there's a column there for Extent,
2 Nature and Duration of Use. Do you see that?

3 A. Yes.

4 Q. So you would plug a number into that column
5 for each resource based on the chart we just
6 saw a moment ago; right?

7 A. Yes.

8 Q. Now, again, my understanding is that you're
9 telling us that there is backup information
10 for all of this. And I think you understand
11 we never saw it. Let me move past that.

12 I want to pick a particular resource,
13 for example. Let's look at Northside Road,
14 which is No. 13. Do you see Northside Road?
15 I'm sorry. Dawn's pulling up Exhibit 381.
16 We talked about this earlier. This was the
17 exhibit that you created to accompany your
18 supplemental testimony, which was a revised
19 version of that December chart; right?

20 A. Yes.

21 Q. And it had an expanded set of categories.

22 MR. NEEDLEMAN: Could we call
23 that up, Dawn, Applicant 381. It's Appendix F,
24 Page 2.

1 BY MR. NEEDLEMAN:

2 Q. Okay. So if we look at -- that's the
3 original one still. Oh, okay. That is the
4 updated one. Okay.

5 So if we look at Appendix F, Page 2, we
6 see where you're rating extent, nature and
7 duration of use. If you look about three
8 quarters of the way down, do you see
9 Northside Road? Do you see that Northside
10 Road in Stark?

11 A. Yes.

12 Q. And for extent, nature and duration of use
13 for Northside Road in Stark, you gave it a 5,
14 which is the highest of your categories; is
15 that right?

16 A. That's right.

17 Q. So what was that based on?

18 A. That was based on the fact that it is a small
19 road where people would be traveling slowly.
20 And the road is fairly long, and it goes
21 along a beautiful agricultural valley
22 surrounded by steep hills with views of
23 distant mountains. So you would be on that
24 road for a number of minutes experiencing

1 that landscape because you'd be going slowly,
2 and it's a long, linear visual feature.

3 Q. And what information specifically did you
4 rely on to make determinations about the
5 extent or the nature of use there, other than
6 your own observations?

7 A. By being there and driving on the road.

8 Q. That was it?

9 A. Yeah. We also stopped and took photographs.

10 Q. And in the original report that you provided
11 to us, aside from the references that we saw
12 in Appendix D and Appendix E, there was no
13 other information about extent, nature and
14 duration of use of this resource; is that
15 right?

16 A. That's right.

17 Q. I want to look at two others here, one is
18 Nottingham Road, and the other is Mount
19 Delight Road. Those are both in Deerfield.
20 For Nottingham Road, you gave it a 5 for
21 extent, nature and duration of use; for Mount
22 Delight Road, you gave it a 1. Why that
23 dramatic difference between these two roads
24 in Deerfield?

1 A. Well, Mount Delight Road is a 90-degree
2 crossing of the road by the Project, and it
3 occurs at a bend in the road. So the Project
4 is really only visible for 10 seconds, 15
5 seconds; whereas, Nottingham Road in
6 Deerfield is a road that winds through wooded
7 hills with agricultural fields, and the
8 Project is visible for up to a mile in length
9 along that road. It's also a small paved
10 road, so speeds are lower. So your views of
11 the Project from that road are fairly
12 extensive over a considerable stretch of the
13 road.

14 Q. And it sounds like, again, your rating there
15 was based exclusively on your visit.

16 A. Excuse me?

17 Q. The rating that you gave those two roads was
18 based exclusively on your visit?

19 A. Yes.

20 Q. And again, there's no information anywhere in
21 the material that you provided to us in
22 December where we could see how you reached
23 those ratings; is that right?

24 A. That's right.

1 Q. Okay. I want to talk about scope and scale
2 for a minute. Before I do, I just want to
3 make one correction.

4 Earlier on when I was asking you about
5 Mr. DeWan's bare earth maps, I indicated to
6 you that I thought they were provided in
7 February of 2016, and I was mistaken. They
8 were provided in discovery in October of
9 2016. So I apologize for that mistake.

10 Let me talk to you about Scope and Scale
11 of Landscape Change. That's another category
12 that you have here in your ratings; is that
13 correct?

14 A. Yes.

15 Q. I asked you at the tech session about this
16 and about applying numerical ratings to this.
17 And I think you told me it was challenging to
18 do that, but you made an effort nevertheless.
19 Do you recall that?

20 A. Yes.

21 Q. And in fact, again we've got the same ratings
22 based on your Appendix D for scope and scale;
23 is that right?

24 A. Yes.

1 MR. NEEDLEMAN: And if we could,
2 Dawn, just go back to the original Appendix D
3 and highlight "Scope and Scale" up in the box.

4 BY MR. NEEDLEMAN:

5 Q. So, someone trying to understand how you went
6 about doing this analysis of scope and scale
7 would come to this part of your VIA, and this
8 is what they would see and this is what they
9 would have to rely upon in order to
10 understand how you made those judgments; is
11 that right?

12 A. Yes.

13 Q. And this is the information that was
14 contained in your original report. And so if
15 one was an objective third-party observer
16 that wanted to try to understand what you
17 were doing, this is where they would look
18 with respect to scope and scale; right?

19 A. Yes.

20 Q. And in that original Appendix F of the
21 resources, the 31 sites that you evaluated,
22 by my count, 19 of them received a 5; 12
23 received a moderate, and only one received a
24 low. Does that sound about right to you?

1 A. I don't have the ability to recall that.

2 Q. Okay. And I'm not going to ask you to engage
3 in a memory test. But assume for the sake of
4 argument that those numbers are correct.
5 That means that in your original report,
6 61 percent of the resources that you
7 evaluated you concluded had a high scope and
8 scale impact; right?

9 A. Yes.

10 Q. And is it fair to say that without a lot more
11 information about how you went about doing
12 this work, an objective third-party observer
13 looking just at this chart really would not
14 be able to accurately recreate your work?

15 A. I think that there's a basic level of
16 information here. I think that, ideally, it
17 would be more detailed. There are
18 limitations of space in this particular
19 matrix --

20 Q. Well, why are there limitations of space? I
21 think you told somebody earlier, maybe it was
22 Ms. Connor or somebody else, that the
23 methodology that you applied here is one that
24 you've used many times before. So,

1 presumably, you would have had many
2 opportunities to refine it and get it right.
3 So why wouldn't you put your best foot
4 forward here?

5 A. I think, you know, this is the highest degree
6 of specificity that we could get at the time.
7 I think ideally we would have gone into more
8 detail.

9 Q. It's actually not the highest degree of
10 specificity, is it, though, because in your
11 April 17 supplemental you really
12 significantly changed your descriptions here,
13 didn't you?

14 A. Yes.

15 Q. Yeah, so I'm going to come back to that in a
16 minute and look at those.

17 But I also want to talk about dominance
18 and prominence for a minute because, again,
19 you did the same thing here; right? If
20 someone were looking at how you went about
21 doing an assessment of dominance and
22 prominence, this is the information they
23 would review in your Appendix D; is that
24 correct?

1 A. Yes.

2 Q. And again, you rated 31 sites, I believe --
3 or was it 31 -- some high percentage as
4 having a high dominance and prominence. And
5 again, would you agree with me that, with
6 respect to dominance and prominence, we have
7 the same issue: An objective third-party
8 observer looking at this and trying to
9 recreate your work would have a pretty tough
10 time given these scant descriptions; fair to
11 say?

12 A. Yes. Well, I must add that it would be
13 challenging even with more space and more
14 detail. It would still be challenging to
15 determine the different levels of dominance
16 and prominence. We need to get involved with
17 the aspect ratio of the view, the extent that
18 the proposed project would occupy in the
19 frame. It's a complicated process that's
20 pretty difficult to condense into one chart.

21 Q. And do you recall that you and I discussed
22 these issues at the tech session?

23 A. Yes.

24 Q. And you gave us your report in December and

1 the tech session happened in March and we
2 talked about this and then you gave us your
3 supplement in April; right?

4 A. Yes.

5 Q. And when you gave us your supplement, which
6 we'll call up as Applicant 381, that's where
7 you made significant changes to these
8 descriptions; right?

9 A. Right.

10 MR. NEEDLEMAN: So, Dawn, if you
11 could just pull the box up and highlight it.
12 Yeah, the whole thing.

13 BY MR. NEEDLEMAN:

14 Q. Now, when you go back and look at these
15 things we just looked at, extent, nature and
16 duration, scope and scale, dominance and
17 prominence, now you've got much more lengthy
18 descriptions of those things; isn't that
19 correct?

20 A. Yes.

21 Q. And there was nothing preventing you from
22 including these types of descriptions in your
23 original work; right?

24 A. Right.

1 Q. I mean, it seems to me that what you did is
2 you revised this based on the criticisms we
3 had regarding that original work; is that
4 fair to say?

5 A. It's also our ability to go into more detail
6 with the benefit of reviewing other testimony
7 and, yes, talking to you about the
8 shortcomings of the earlier version.

9 Q. So, looking now at the difference between the
10 two of these that we just reviewed, do you
11 believe that in the December table that you
12 provided that you really had adequate
13 information on these topics?

14 A. No, we didn't. That's why we did the
15 supplement. We wanted to go into more detail
16 based on our review of the Project. Based on
17 your comments, based on some of the other
18 supplemental reports, we felt it was best to
19 give a little bit more thought and detail to
20 this particular question.

21 Q. And this morning when Ms. Boepple was doing
22 the direct examination of you, she spent a
23 lot of time asking you to provide
24 explanations of the criticisms that Mr. DeWan

1 directed at your work in his April 17th
2 filing. Do you remember that?

3 A. Yes.

4 Q. And, in fact, you also had an April 17th
5 filing as we see here; right?

6 A. Yes.

7 Q. And prior to the time you filed this, Mr.
8 Dodson certainly didn't have an opportunity
9 to review this, did he?

10 A. I'm not sure.

11 Q. Did you give it to him?

12 A. No.

13 Q. Okay. So when Mr. Dodson was giving the
14 criticisms of your work, he was criticizing
15 this original work that you did, the December
16 work; is that right?

17 A. Yes.

18 Q. The same work that you just acknowledged had
19 a variety of deficiencies; right?

20 A. Right.

21 Q. Okay. So I want to ask you about another
22 topic. Let's go to SPNHF 62. This is your
23 prefiled testimony.

24 MR. NEEDLEMAN: And Dawn, I'd

1 like to look at Pages 5 and 6.

2 BY MR. NEEDLEMAN:

3 Q. And starting at the bottom of Page 5, on
4 Line 21, you say, In addition to the
5 viewpoints identified and evaluated by DeWan
6 and DOE, Dodson & Flinker identified an
7 additional 57 viewpoints -- and these are
8 what you determined to be qualified scenic
9 resources -- where the proposed transmission
10 corridor would be visible. And then you go
11 on to say, "Nineteen of these additional
12 sites will experience a moderate to severe
13 degradation of views which will accumulate
14 over the many miles of landscape the Project
15 traverses"; right?

16 A. Yes.

17 Q. And I asked you about this at the tech
18 session, and you told me that what you were
19 talking about was the overall cumulative
20 impacts that one would experience in viewing
21 the Project. Does that sound right?

22 A. Yes.

23 Q. And then this morning, when Mr. Cote was
24 questioning you, you said, quote, "Cumulative

1 impacts should play a very important role
2 with respect to this kind of analysis." Do
3 you remember saying that?

4 A. Yes.

5 Q. So, based on all of this, my understanding is
6 that when you make determinations about
7 unreasonable adverse effects with regard to
8 this project, cumulative impacts are an
9 important component to you.

10 A. Yes.

11 MR. NEEDLEMAN: So I want to
12 call up, Dawn, if you could put the regulation
13 exhibit up.

14 BY MR. NEEDLEMAN:

15 Q. I want to start by directing your attention
16 to the top. This is Site 102.18 which
17 defines "cumulative impacts." I take it
18 you've looked at this before?

19 A. Yes.

20 Q. And we don't have to read the whole thing.
21 But take a minute to look at it, and what I'm
22 going to ask you is: Do you agree with me
23 that this SEC definition of "cumulative
24 impacts" refers only to wind energy

1 facilities?

2 A. Yes. We used the term "overall impacts."

3 Q. Okay. Well, we just talked about "cumulative
4 impacts," but we'll come back to that in a
5 minute.

6 Then, if you look at the other number
7 down here, 301.03(h)(6) talks about wind
8 energy facilities; correct? And again it
9 focuses on sequential observation of wind
10 energy facilities. So in these two places in
11 the SEC regulations, this cumulative impact
12 concept is really only related to wind energy
13 facilities. Do you agree with me?

14 A. Yes.

15 Q. These were the only references I found to
16 cumulative impacts in the Aesthetic portion
17 of the SEC rules. Are you aware of any
18 others?

19 A. I think there was a section dealing with
20 overall impacts, but I couldn't tell you
21 where it is.

22 Q. I'm not sure what you're referring to. But I
23 guess if there is something there, someone
24 will point it out to us.

1 I also want to call up Applicant's 382.
2 This is a portion of a transcript of
3 rulemaking deliberations from November 18th
4 that the SEC was conducting. And I wanted to
5 take you to Page 115 and 116. And I'm going
6 to ask you to take a look at the bottom of
7 115 and 116, if you would.

8 (Witness reviews document.)

9 MR. NEEDLEMAN: And then, Dawn,
10 if you could continue down on 116.

11 BY MR. NEEDLEMAN:

12 A. That's why we used the word "overall
13 impacts." We realized that "cumulative" was
14 specifically for wind energy. But I still
15 think on a project this large that it's
16 important to look at the entirety of the
17 impact.

18 Q. So you agree with me that it would be
19 inappropriate when assessing a transmission
20 line project in front of this Committee to
21 consider "cumulative impacts" in an aesthetic
22 analysis.

23 A. Yes.

24 Q. Okay.

1 A. We were aware of that. I don't believe we
2 did it.

3 Q. Well, I did ask you a moment ago, and you
4 told Mr. Cote specifically that you included
5 cumulative impacts in your analysis, which is
6 why I was concerned about that.

7 A. Though I do remember also pointing out that
8 "cumulative" was for wind and that we were
9 using the term "overall" to deal with a
10 similar thing, really, the composite of all
11 the impacts over 132 miles.

12 Q. So, even though cumulative impacts in here
13 only relate to wind energy systems, and even
14 though in this discussion during the
15 rulemaking the Committee seemed to believe it
16 only had authority to look at those kinds of
17 impacts in relation to wind energy projects,
18 your view is still that they should be
19 looking at the totality of those impacts,
20 those cumulative impacts.

21 A. Yes, I think it's important to do both. I
22 think it's important to look at the
23 individual site scale impacts, but it's also
24 important to see how the individual site

1 level impacts add up in a sequence that can
2 be up to 132 miles long.

3 Q. I'd like to go back to your prefiled
4 testimony now if we could.

5 MR. NEEDLEMAN: Dawn, SPNHF
6 Exhibit 62 at Page 10.

7 BY MR. NEEDLEMAN:

8 Q. And on Line 6 you say, "The Project's scope
9 and scale are so extensive that available
10 mitigation measures will be ineffective in
11 achieving a significant reduction in
12 aesthetic impacts. Burial of the Project
13 offers the only means of significantly
14 reducing the Project's unreasonable adverse
15 aesthetic impacts"; correct?

16 A. Correct.

17 Q. And you said earlier that you have no
18 experience doing visual impact assessments of
19 electric transmission lines; right?

20 A. Yes.

21 Q. So would it be correct to conclude that you
22 have no experience assessing or recommending
23 mitigation measures for electric transmission
24 lines?

1 A. Not for electric lines. We've come up with
2 it for other types of development.

3 MR. NEEDLEMAN: So, Dawn, if you
4 could call up 301.14(a)(7).

5 BY MR. NEEDLEMAN:

6 Q. And in (a)(7), it says that the Committee
7 must consider the best practical measures to
8 avoid, minimize or mitigate unreasonable
9 adverse effects. Do you see that?

10 A. Yes.

11 Q. And then if we could go over to Site 102.12.
12 Oh, it's right below it. That defines "best
13 practical measures," which means available,
14 effective and economically feasible on-site
15 or off-site methods, et cetera. See that?

16 A. Yes.

17 Q. Am I correct that you didn't conduct any
18 analysis to determine if burial of the
19 Project is economically feasible?

20 A. No, we didn't.

21 Q. And can you point to any analysis at all that
22 you are relying on in support of the notion
23 that burial of the Project is economically
24 feasible?

1 A. I do know that there are two current projects
2 similar or greater in length than Northern
3 Pass, the New England Clean Energy Link
4 Project and the Champlain-Hudson Express
5 Project, both of which go under Lake
6 Champlain and then go underground through
7 various above-ground sections of New York and
8 New England. So it is being done by other
9 projects.

10 Q. Have those been built?

11 A. They've been approved --

12 Q. Have they been built?

13 A. -- approved relatively quickly.

14 Q. Have they been built?

15 A. I couldn't tell you that.

16 Q. So when you offered the opinion that burial
17 of the Project offers the only means of
18 significantly reducing the unreasonable
19 adverse effects, the only evidence you had to
20 rely upon that it would be economically
21 feasible to do so would be those two
22 projects.

23 A. That's right. But my field of expertise
24 isn't economic.

1 Q. But you didn't do any economic analysis;
2 right?

3 A. No.

4 Q. When you -- were you aware of this SEC rule
5 at the time you offered your opinion about
6 economic feasibility?

7 A. I don't believe I did have an opinion on
8 economic feasibility.

9 Q. Well, that was a poor question. Let me try
10 it again.

11 When you offered the opinion that the
12 only appropriate mitigation here would be to
13 bury the entire project, were you aware that
14 the SEC rule for best practical measures
15 requires a consideration of economic
16 feasibility? Did you have that in mind?

17 A. No. I'm not an economist.

18 Q. So if you didn't have that in mind, my
19 understanding was that somebody in your
20 profession would typically read the governing
21 rules before you did an analysis and offered
22 opinions. Isn't that fair to say?

23 A. Yes.

24 Q. And don't you think it would have been a good

1 idea for you to read these rules and
2 understand what the requirements were before
3 you offered that opinion?

4 A. Well, I did read the section that you've
5 highlighted here. You know, it mentions best
6 available, effective and economically
7 feasible. My assumption is that, because
8 there are two major projects that were
9 recently approved that are of similar length,
10 going from Canada down to, I think Orange
11 County in New York, and then going from
12 Canada down to Massachusetts, I assumed that
13 because those projects were proposed by
14 electric utilities that the economics would
15 have been carefully thought out. So I'm
16 assuming based on those two projects that
17 it's economically viable to underground a
18 project.

19 Q. As a professional in this field, when you
20 typically do your work, do you just generally
21 make assumptions like that? In other words,
22 you just generally look at other projects,
23 and if it seems like they're capable of doing
24 something, you just assume the project you're

1 analyzing is capable of doing it?

2 A. I analyze things very carefully within my
3 area of expertise, which is aesthetics. I
4 acknowledge economic conditions and
5 cost-benefit analyses, but I'm not qualified
6 to do them. So the best I can do is to do
7 research on similar projects that are
8 currently underway. And when I saw that
9 there were two very lengthy transmission
10 projects in New England and New York State
11 that were being put underground, I assumed
12 that the companies promoting it had done
13 their financial research and decided to go
14 ahead.

15 MR. NEEDLEMAN: Dawn, could you
16 pull up Applicant's 383.

17 BY MR. NEEDLEMAN:

18 Q. So your testimony is that the only way to
19 address these project impacts is to bury the
20 entire project. This is one location where
21 the Project will go through. So it's your
22 opinion the Project needs to be buried here?

23 A. I think it's much more feasible to screen
24 facilities like substations because we're

1 talking about a relatively small area, and
2 we're talking about heights that are less
3 than the transmission tower heights. So I
4 think in cases like this, and you can see the
5 effect of the trees in this image, you're
6 able to accomplish a fair amount of screening
7 for something that's a discrete project
8 that's not too small and within a
9 well-defined area. I think it's a completely
10 greater challenge to screen 132-mile-long
11 transmission corridor with towers up to
12 160 feet in a cleared corridor up to 315 feet
13 wide. That's very, very difficult to screen
14 with little trees.

15 Q. So it turns out it doesn't have to be buried
16 everywhere, like places like this, for
17 example; right?

18 A. Substations and, to a certain extent,
19 transition stations, though they have a
20 component that's fairly high. I think when
21 you're talking about a structure or
22 substation that has a discrete size, yes, you
23 can screen it. The other thing about the
24 substation is you don't have limitations on

1 vegetation height the way you would have with
2 a transmission line above ground.

3 MR. NEEDLEMAN: Dawn, let's go
4 to the next one.

5 BY MR. NEEDLEMAN:

6 Q. So here's another crossing. Has to be buried
7 here? Is that your opinion?

8 A. I'm assuming if it's feasible, it would. And
9 I'm assuming the two existing New England and
10 New York projects are confronting similar
11 road crossings.

12 Q. But your testimony wasn't feasibility. Your
13 testimony was it had to be buried. So I'm
14 curious what scenic resource is being
15 impacted that would require burial here.

16 A. You have a wooded landscape. I wouldn't call
17 it high scenic value. But it's not a
18 negative scenic value by any means.

19 Q. So you're aware that there's 24 miles of new
20 corridor in the North Country that's going to
21 go through the Wagner Forest?

22 A. Yes.

23 Q. And you're aware that the landowner there is
24 comfortable with the line being overhead?

1 A. I wasn't aware of that.

2 Q. But you still believe the line has to be
3 buried on that private forest.

4 A. If it's visible from surrounding public land
5 or rights-of-way.

6 MR. NEEDLEMAN: Dawn, could we
7 go one more.

8 BY MR. NEEDLEMAN:

9 Q. So this is the location of the transition
10 station in Bridgewater. You think it has to
11 be buried if it comes out here, too; right?

12 A. Well, like I said, a transition station or a
13 substation is relatively small and compact
14 compared with the long transmission line. So
15 I do think mitigation is possible there, and
16 I don't think that they would need to be
17 buried. In fact, I don't know of cases where
18 transfer stations are or substations are
19 buried.

20 Q. So, beyond suggesting that the Project should
21 be buried along the entire route, you
22 actually didn't do any specific mitigation
23 measure assessment. For example, you didn't
24 look at whether monopoles would be helpful

1 anyplace. You didn't look at whether
2 weathering steel versus galvanized steel
3 would be helpful, or non-specular conductor
4 or relocation away from roads. None of that
5 is in your analysis; right? You simply just
6 said you've got to bury it all; right?

7 A. Because the Project is so large and so
8 visible that I think going from galvanized
9 lattice to weathering steel monopole is a
10 slight improvement, but it's really not going
11 to mitigate the visual impact of the Project
12 in a meaningful way.

13 Q. Are you aware of the fact that the Applicants
14 have proposed and agreed to a wide range of
15 mitigation measures? Do you know about that?

16 A. Yeah.

17 Q. Are you familiar with the fact that I asked
18 the T.J. Boyle panel about mitigation, and
19 they acknowledged that things like structure
20 relocation, vegetative screening, monopoles,
21 different kinds of monopoles, could be
22 effective mitigation measures?

23 A. Yes, I'm aware of that. I don't necessarily
24 agree with it.

1 Q. Are you aware that in their report, T.J.
2 Boyle suggested a whole range of potential
3 mitigation measures in various locations that
4 would include co-location, weathering steel,
5 monopoles, relocation, things like that? Did
6 you have a chance to look at that?

7 A. I did, and I don't believe that it would be
8 effective in mitigating the visual impacts of
9 the Project in any meaningful way.

10 Q. So when the Applicant proposes that full
11 range of mitigation measures, and when T.J.
12 Boyle agrees that those could be effective in
13 places, and T.J. Boyle proposes their own
14 mitigation measures, your view is that T.J.
15 Boyle and the Applicants are wrong about
16 that.

17 A. Yes.

18 MR. NEEDLEMAN: Okay. I think
19 I'm all set. Thank you.

20 CHAIRMAN HONIGBERG: Members of
21 the Committee. Who has questions for Mr.
22 Dodson? Mr. Oldenburg, why don't you start us
23 off.

24 MR. OLDENBURG: Thank you, Mr.

1 Chairman.

2 QUESTIONS BY SUBCOMMITTEE MEMBERS AND SEC COUNSEL:

3 BY MR. OLDENBURG:

4 Q. Good afternoon. I just have a few questions.

5 Earlier on, I think it was during cross
6 by Ms. Boepple, you talked about something,
7 symbolism and meaning --

8 A. Yes.

9 Q. -- of the landscape --

10 A. Yes.

11 Q. -- and you used the example of Profile Lake,
12 the Old Man of the Mountain. And even though
13 the Old Man is gone, there's still symbolism
14 and meaning on that mountain.

15 A. Still on the license plate.

16 Q. Right. So does the setting get included in
17 that, or is it a stand-alone?

18 So here's an example: About five years
19 ago I went to Washington, DC, and in our
20 travels we went to Ford's Theater where
21 Lincoln was shot. I don't know if you - have
22 you ever been there?

23 A. I've been outside it, but not inside it.

24 Q. As a theater it's not much. Actually, the

1 Capital Center here in Concord and the Palace
2 Theater in Manchester are better examples of
3 theaters. But it's the symbolism, right, of
4 that place?

5 A. Exactly. Yes, it has an impact well beyond
6 just being a building that has a theater in
7 it.

8 Q. So after we visited Ford's Theater, we went
9 next door and ate at the Hard Rock Cafe. So
10 the theater itself is a setting, but around
11 it is modernization.

12 A. Yeah.

13 Q. So how does that get broken down? And my
14 real question is: So you used the example of
15 Profile Lake and the Old Man of the Mountain,
16 but if you go a few hundred yards down the
17 road, there's the Cannon Mountain Aerial
18 Tramway and the Cannon Mountain Ski Areas
19 which have towers and cables, and they've
20 cleared trees. How does that affect the
21 aesthetics, and how is the ski area and
22 everything tolerable, if you call it, and
23 this isn't?

24 A. I think different symbolic landscapes have

1 different scales. The smallest one I can
2 think of is something like the Flume, which
3 is a very small, compact space with woodlands
4 surrounding it. So it's very small. Profile
5 Lake I see as medium, hundreds of acres
6 perhaps, but then Cannon Mountain is right
7 next door. And then the view of Mount
8 Washington I think is much larger. Mount
9 Washington and the Presidentials have a huge
10 visual footprint. And I know a lot of
11 different visual features are located in that
12 very large viewshed, but it's still possible
13 to see the symbolic White Mountains and Mount
14 Washington from quite a range around it. So
15 I think the extent of it really varies
16 according to the size and the character of
17 the symbolic resource.

18 Q. And so how did you include, like, the
19 symbology and the meaning of that place, and
20 what are the criteria? Was it a specific one
21 that you mixed that into or -- because that
22 isn't one of the lines in the table; right?

23 A. Yeah, yeah. We did it partly by researching
24 the literature, reviewing the scenic tourism

1 bureau's data information. We used some of
2 the knowledge we have of New Hampshire. I
3 lived in New Hampshire for two years and
4 frequently would go up to the Mount
5 Washington area for skiing. So I'm familiar
6 with the state. And we talked to people. So
7 there were different ways to get the
8 information on symbolism.

9 Q. Okay. I'd like to move on. And I'm just
10 going to take one example out of your visual
11 impact assessment that you did, and it was
12 Little Diamond Pond. And you put in
13 parentheses that it's in Coleman State Park.
14 Did you review Coleman State Park as a whole
15 or just Little Diamond Pond?

16 A. We also did the entranceway and the
17 headquarters and did some photography, hiked
18 around the headquarters building complex. I
19 know it's 10,000 acres or more, so we weren't
20 able to cover the whole thing.

21 Q. Because I know DeWan & Associates, and I
22 think T.J. Boyle, they did it from multiple
23 locations within the park. And there's a
24 boat launch, the campground, the entrance,

1 the visitor center, the lake and trails and
2 stuff like that. So you only -- you did
3 those three.

4 A. Yes. We should have done more, but we were
5 only able to do two or three.

6 Q. Okay. So there was discussion previously
7 with the other panels about surveying people
8 and finding out uses, like at a state park.

9 A. Hmm-hmm.

10 Q. And so previously I had asked questions about
11 the uses, and I'm assuming you just -- did
12 you do any research into the uses, or did you
13 just do what the other folks had assumed for
14 uses at the state park?

15 A. We visited the site with Larry Garland of the
16 Appalachian Mountain Club, who is very
17 familiar with the site. We looked at the
18 brochures and maps that were available on the
19 park. But unfortunately, we weren't able to
20 visit many other sites in the park.

21 Q. So let me play this assumption game that we
22 talked about, I think with Mr. Needleman.

23 Let's assume all these uses are at the
24 state park. So we have ATVs or snowmobiles,

1 depending on the season, and they're going up
2 and down the trails. And the impact of that
3 power line -- you know, they're going 20,
4 30 miles an hour or faster up the trail.
5 They may catch glimpses of the line. So the
6 impact to them, say, is considered low.

7 A. Hmm-hmm.

8 Q. Then you have the campground. And from the
9 campground there's a lot of trees from the
10 campground, and maybe you can't see from the
11 direct campground. So let's just assume that
12 it's a medium impact for them. At the boat
13 launch it might be a medium if you're out on
14 the lake and you're fishing; you might look
15 up and see it. It might be medium or high.
16 And if you're a hiker there to see the scenic
17 beauty and on the trail, you're looking at
18 the mountains and the scenery, so maybe it's
19 high. So how do you take all those different
20 uses that have different impacts and
21 culminate them into one, one impact for that
22 resource?

23 A. Well, I think the ideal way would be to treat
24 each of those locations and activities you

1 mentioned and treat each one as its own
2 visual resource, and that way you wouldn't be
3 mixing apples and oranges. You would be
4 evaluating what the snowmobilers experience,
5 how they use it, how often they see it, how
6 important the visual quality is to them.
7 You'd then be separately evaluating the lake,
8 and the fishermen and the boaters who use it.
9 I think a facility that large, 10,000-plus
10 acres, really needs to be looked at in
11 different components. That's the way we
12 would have done it in the ideal world. And I
13 wish I'd had the time to do it, but we were
14 pretty constrained. So we just did Little
15 Diamond Pond and the headquarters area. And
16 I wish we'd done more.

17 Q. So the numbers matter depending on those
18 uses? Some of the uses might be lower than
19 others, some might be higher.

20 A. Yeah.

21 Q. Is it quality or quantity?

22 A. Well, I agree with what you said, that the
23 person on the dirt bike is probably paying
24 attention to the rocks in front of the bike

1 and not to the surrounding scenic landscape.
2 The fisherman probably has got a much better
3 view of the surrounding land and might be
4 more concerned about the Project. And the
5 hikers probably are potentially the most
6 close to the site. So I think it would vary,
7 and ideally, each of those groups in each of
8 those locations would be studied.

9 Q. So when you talked to Mr. Needleman just a
10 few minutes ago about the cumulative impacts,
11 about the cumulative impacts of the whole
12 project -- but I think you just said that you
13 would look at the individual uses of the
14 state park and not the cumulative uses.

15 A. Yeah.

16 Q. So how do you differentiate that?

17 A. I think the way you address the cumulative,
18 or as we described it as "overall impacts,"
19 is you would aggregate all the individual
20 scenic resource scores into one combined
21 score. So you would take all the separate
22 visual resource areas within Coleman State
23 Park -- I don't know if it's 5, 10, 15 -- and
24 then you would aggregate them along with

1 those in the surrounding area to come up with
2 an overall visual impact.

3 Q. All right.

4 MR. WAY: Mr. Oldenburg?

5 QUESTIONS BY MR. WAY:

6 Q. Just so I understand, you did not do that.
7 You did not separate all the activities out
8 into their own --

9 A. No, we just made two different visual
10 resource areas.

11 Q. Two visual resource areas. And did you
12 combine those for a total?

13 A. No, we didn't.

14 Q. Okay. Thank you.

15 BY MR. OLDENBURG (resumes):

16 Q. My last series of questions is you found the
17 Project had an unreasonable adverse effect on
18 aesthetics. And that was based upon how many
19 sites that you found would have an adverse
20 effect?

21 A. It was our 57 sites; it was the 70 or so
22 DeWan & Associates sites; it was the T.J.
23 Boyle work, both for the -- I'm drawing a
24 blank on the name of the group -- in addition

1 to the Department of Energy. And we looked
2 at the very early David Raphael sites.

3 Q. So of all those, how many total did you have
4 in your pool? I mean, we've thrown, you
5 know, 12,000, 18,000, 1200. You know, we
6 have a huge number of differences. So how
7 many did you use as a total?

8 A. Approximately 450 different sites. I know
9 that T.J. Boyle estimated something like
10 7500. But we didn't have access to that
11 information.

12 Q. And so to find an unreasonable adverse
13 effect, how many sites would you consider?
14 Just one?

15 A. For the entire project?

16 Q. For the entire project.

17 A. You know, in the ideal world you would have
18 thousands and you would aggregate them. But
19 I think, given the time and resources for
20 this project, what we were able to do is to
21 look at our work, compare it to the work that
22 the other consultants did and, you know, view
23 their photo simulations and their data on the
24 Project's visual characteristics and make a

1 decision based on that.

2 Q. But how many sites would have to have a high
3 impact for you to consider it to be an
4 unreasonable adverse effect? One? Two? A
5 dozen? Or does it depend on what the impact
6 is?

7 A. I think it depends on what the impact is.
8 But I think the large number of sites, the
9 fact that they're distributed pretty much
10 throughout the 132 miles of above-ground
11 facility speaks to, you know, adverse overall
12 impacts.

13 Q. Okay. All right. I think that's all the
14 questions I have. Thank you very much.

15 CHAIRMAN HONIGBERG: Ms.
16 Dandeneau.

17 QUESTIONS BY MS. DANDENEAU:

18 Q. Hello, Mr. Dodson.

19 A. Hello.

20 Q. I have one sort of area I'd like to get a
21 little more clarification on, and that's the
22 area that Attorney Needleman was talking to
23 you about in terms of your methodologies for
24 rating your scenic resources. And do I

1 understand correctly that you would drive to
2 a location and just look, and then based on
3 your subjective opinion you would rate it a
4 5, 3 or 1?

5 A. We would take notes in the field and
6 photographic documentation. We'd go back to
7 the office and look at the viewshed maps and
8 topographic maps, the air photos, the various
9 geographic information system programs. So,
10 back in the office we would pull all that
11 together, and then my colleagues and I would
12 begin to come up with draft impact
13 statements. We'd review those, do some
14 editing and then come up with a final
15 evaluation of each site.

16 Q. So you weren't applying those rankings in the
17 field.

18 A. No.

19 Q. Okay.

20 A. I mean, you do get an impression on the first
21 visit. But you need to look at all the other
22 factors and not make a snap decision based on
23 first impression.

24 Q. Okay. But there wasn't a rubric or a

1 checklist of things that you were looking for
2 that ended up contributing to the ranking
3 that you gave a site.

4 A. No, not in the field.

5 Q. So can you give me an example of some of the
6 notes you took when you were in the field?

7 A. We took notes relative to the location, the
8 conditions, the weather, the time of day,
9 written impressions of some of the site
10 features, terrain vegetation, water, and some
11 notes on the character and extent of the
12 views.

13 Q. Okay. And then you mentioned the draft
14 impact statement just a moment ago. Was it
15 that writing that basically became the
16 different sections of your report for those
17 different sites?

18 A. Yeah, they were the foundation for that work.

19 Q. Okay. That's all I have. Thank you.

20 A. Thank you.

21 CHAIRMAN HONIGBERG: Mr. Way.

22 QUESTIONS BY MR. WAY:

23 Q. Good afternoon.

24 A. Good afternoon.

1 Q. I apologize for not being here this morning,
2 and I look forward to reading your testimony
3 later. So, hopefully this hasn't been
4 covered.

5 But in listening to what Mr. Needleman
6 was asking you about, I had some of the same
7 questions. And going on what was just asked
8 of you as well by Ms. Dandeneau, in terms of
9 ratings, when I look -- the one that did
10 catch my eye was extent, nature and duration
11 of use. So when I see a rating system 1 to
12 5, so that that quantification isn't
13 subjective, it's got to be based on
14 something. I mean, there's something that
15 constitutes a 1 and something that
16 constitutes a 5. Everything else compares so
17 it I would think.

18 A. Yes.

19 Q. So it is that how -- it wasn't that every
20 single road or every place you went to you
21 just sort of assigned it something. You must
22 have based it on some standard. Or did you?

23 A. For extent, duration and view?

24 Q. Correct.

1 A. Yeah, we based it on the standard that
2 eventually became that revised matrix for
3 extent and duration of view. And it had to
4 do with understanding the nature of how one
5 sees that resource. Are you driving at
6 70 miles an hour past a short view of it?
7 Are you walking along a path or canoeing down
8 a river? So we took notes and made comments
9 about what the experience of visiting that
10 site is so we could understand the extent,
11 which would be lengthy in a canoe and would
12 be very short in a car going 70 miles an
13 hour. And that would cover duration.

14 The extent would be our experience at
15 the site and later analyzing other data over
16 dealing with the width and breadth of the
17 view. And the distance would also be
18 determined that way, by initial notes in the
19 field and then followed with analysis of air
20 photos and geographic information system
21 information to determine how distant and wide
22 the view is.

23 Q. Okay. That's helpful. And so when you get
24 back, I would imagine you have this big pile

1 of data. Are you then coming up with the
2 ratings, comparing one to the other? Or did
3 you assign these ratings in the field? And I
4 guess what I'm trying to say is that, if I go
5 out and I'm on a scenic road and I see
6 transmission lines for a mile, I might say
7 that's a 4 or a 5, I don't know, just
8 hypothetically, until I go to another road
9 where I see it for five miles. Well, do I
10 adjust backwards, or are they both 5s or 3s
11 or whatever? How are we -- I still don't
12 understand how you're coming up with that
13 rating system, that actual number.

14 A. Yeah. Well, it's a combination of things.
15 You know, in terms of distance, we used the
16 Forest Service, U.S. Forest Service
17 standards. They do very excellent work with
18 visual resource. So we used their distance
19 standards of a quarter-mile is foreground;
20 middle ground is a quarter to four miles, and
21 distance is everything beyond four miles.
22 That was a pretty universal standard for
23 distance.

24 For extent, in the field we took the

1 photos; in the office, consulting with photos
2 and maps. We determined the degree of angle
3 of the Project's visibility. So if it went
4 from the very left-hand side of the image to
5 close to the right-hand side, it would have
6 an extent of maybe 80 percent, for example.
7 That would be the amount of the image that
8 you would see in width.

9 And duration is really based on
10 understanding how people get around the site.
11 Do they drive through quickly? Do they stop
12 and enjoy the scenery? Do they go fishing?
13 Those we didn't really have standards for.
14 We were able to describe those uses, but it
15 was harder to develop a quantitative standard
16 for analyzing those.

17 Q. And duration was one I was sort of wondering
18 about. I would think that ends up being very
19 subjective, very activity-focused.

20 A. Yeah. Unless you spend days and weeks there
21 with a stopwatch, it's hard to calculate. So
22 you have to do it based on the typical
23 duration of somebody going fishing, of
24 somebody taking a walk around the lake, of

1 somebody driving by in a car. So it's harder
2 to quantify. But it's still possible to get
3 a pretty good sense of what people are doing
4 there and how long they're going to be
5 staying.

6 Q. And you did not use any intercept surveys.
7 So you feel like you've got a pretty good
8 handle on what those activities would be that
9 people would be using at the sites?

10 A. Yeah, from preliminary visits, talks with
11 park rangers, people in the area, maybe
12 looking at some of the literature about what
13 is available at the park. The parks all have
14 brochures, and they describe what people do
15 in the park.

16 Q. Would intercept surveys have been helpful to
17 you?

18 A. They would have. I wish we could have done
19 those.

20 Q. And just one last question on the concept of
21 "cumulative" versus "overall." Did you say
22 that you had -- it was your impression that
23 "overall" was allowed under the SEC rules?

24 A. Yes, that was my impression.

1 Q. Because I did see under 301:14(a)(5) the
2 evaluation of the overall daytime and
3 nighttime visual impacts. Was that what you
4 were referring to?

5 A. That's one of them, yeah. Also, the fact
6 that when we're evaluating a wind turbine
7 complex, it's a specific complex in a
8 well-defined, large, but well-defined area.
9 A power plant, likewise, can be evaluated in
10 its entirety within, say, a couple square
11 miles of the facility. A transmission line,
12 132 miles above ground, you know, ideally is
13 evaluated both at the individual site scale,
14 but also, like the wind turbine complex or
15 the power plant, is evaluated as a whole. So
16 I think the overall statement in the rule,
17 and also the fact that at some point you need
18 to step back and evaluate the 132 miles as a
19 continuum, speaks to why we think overall
20 ratings are important.

21 Q. Thank you.

22 CHAIRMAN HONIGBERG: All right.
23 I don't think there's any other questions from
24 the Committee. Ms. Boepple, do you have any

1 redirect?

2 MS. BOEPPLE: I do. Thank you,
3 Chair.

4 REDIRECT EXAMINATION

5 BY MS. BOEPPLE:

6 Q. Mr. Dodson, just a few questions following up
7 on some confusion I think that might have
8 been created by terminology.

9 Mr. Needleman has been asking -- asked
10 you a series of questions regarding the term
11 that you used regarding your Visual Impact
12 Assessment and a response that you gave to
13 Attorney Connor earlier today regarding what
14 it was that you produced. Could you just be
15 very clear about what it was, what your
16 visual -- what we are calling your Visual
17 Impact Assessment? What was that?

18 A. It's a Visual Impact Assessment based on the
19 foundation of the DeWan & Associates VIA. We
20 felt there were a number of positive and very
21 useful elements in the DeWan & Associates
22 work. We wanted to take advantage of those,
23 but also point out where we thought there
24 were deficiencies and omissions.

1 Q. So is it fair to say that in your profession
2 there can be different approaches to
3 conducting or preparing a visual impact
4 assessment?

5 A. Yes.

6 Q. And so yours was one example of that. And it
7 took some material from Mr. DeWan's, but also
8 did a critique of his; is that correct?

9 A. That's correct.

10 Q. Okay. Now, with respect to some of the
11 questions that he asked you regarding
12 interpretation of the new SEC rules, it
13 appeared to me, anyway, from his questioning
14 that he sort of made the assumption that you
15 might have been interpreting those in a
16 vacuum. But isn't it true that the clients
17 who retained you to do the work on this were
18 the Forest Society -- the Society for the
19 Protection of New Hampshire Forests and the
20 AMC? Is that correct?

21 A. Yes.

22 Q. And you were aware that both organizations
23 were involved when the new rules were being
24 drafted, weren't you?

1 A. Yes.

2 Q. And so did you have discussions with your
3 clients about what the SEC rules meant --

4 A. Yes.

5 Q. -- and how to apply them in your VIA?

6 A. I did.

7 Q. Okay. With respect to several questions
8 regarding worksheets, let's try and be
9 specific. There was a discovery request that
10 was made during the technical sessions, and
11 there was a subsequent discovery request.
12 I'm going to show you a couple of documents
13 and then ask you if you might be familiar
14 with those.

15 So do you see this on your screen?

16 A. No.

17 Q. It should be up in a minute.

18 A. There it is.

19 Q. Okay. So you see an Excel spreadsheet in
20 front of you?

21 A. Yes.

22 Q. Now, during the break did we have a
23 discussion with your office?

24 A. Excuse me?

1 Q. During the break did we have a discussion
2 with your office?

3 A. Yes.

4 Q. Okay. And in that discussion, did we confirm
5 that there was a spreadsheet that contains
6 the information that Mr. Needleman said was
7 not provided to them?

8 A. Yes.

9 Q. And does this look like the spreadsheet that
10 we were -- that we discussed?

11 A. It does. Just to be sure, can you scroll it
12 to the right?

13 (Witness reviews document.)

14 A. Yes, that's it. We called it the "working
15 sheet."

16 Q. Okay. And do you also recall that in that
17 discussion your office indicated that that
18 had been provided?

19 A. Yes.

20 Q. Okay.

21 A. And I assumed from discussions with my
22 associates, Nate Burgess, that it had been
23 forwarded to you.

24 Q. Okay. Now, do you see -- you may or may not

1 be familiar with this. I'll scroll up to the
2 top of the page. Do you see a date at the
3 top of this page?

4 A. Yes. February 2nd, 2017.

5 Q. And does this appear to be a Word document?

6 A. Yes.

7 Q. Okay. And it's captioned -- how is it
8 captioned? What's the caption on the page?

9 A. "Northern Pass Discovery Response Narrative."

10 Q. Okay. Does this look familiar to you? Is
11 this something you might have reviewed when
12 reviewing discovery requests before they were
13 delivered to the Applicant?

14 A. I just need to look at this.

15 Q. Sure.

16 (Witness reviews document.)

17 A. So these are answers to discovery requests.

18 Q. Correct.

19 A. Can you scroll down?

20 Q. Yup.

21 (Witness reviews document.)

22 Q. Does this generally look familiar to you?

23 A. Yes. It's a summary of our discovery
24 submission.

1 Q. Right.

2 MR. NEEDLEMAN: Beth, are you
3 representing that these were provided to us?

4 MS. BOEPPLE: Yes, I am.

5 MR. NEEDLEMAN: I think we're
6 going to need to have a conversation.

7 MS. BOEPPLE: Okay.

8 A. Oh, Beth, can you stop and go back up to the
9 previous page? Right there is fine. Under
10 Northern Pass Visual Evaluation at the
11 bottom, the first item is Evaluation Working
12 Sheet 2016. That's the working sheet that
13 you showed recently.

14 BY MS. BOEPPLE:

15 Q. That's what I was going to ask you. This
16 indicates that that worksheet was provided.
17 And I believe there's another response
18 further on that indicates, again, that the
19 worksheet was provided.

20 I believe Mr. Needleman also was
21 wondering why the Concord Municipal Airport
22 was included as a scenic resource. Isn't it
23 true that that was included because it's a
24 site that's listed on the National Register?

1 A. That was one factor. But the main factor was
2 that it was in the viewshed of the Project.

3 Q. Right. But just being in the viewshed, it
4 also has to be a scenic resource; does it
5 not? And wouldn't it qualify as a scenic
6 resource if it was listed on the National
7 Register?

8 A. Well, not necessarily. It would depend on
9 the scenic quality, the cultural value, other
10 factors.

11 Q. If a historic property is listed on the
12 National Register, is it likely to qualify as
13 a scenic resource?

14 A. It is more likely to.

15 Q. Okay. Now, Mr. Needleman was also asking
16 you -- let me just take this down off the
17 screen.

18 I just want to go back for one second to
19 the spreadsheet. And I just want to be
20 clear. The spreadsheet that was produced
21 during discovery, this does encompass all of
22 the various ratings and the criteria you used
23 to arrive at the valuations that you placed
24 on scenic resources; correct?

1 A. Yes, it does.

2 Q. Okay. This is why I have two devices. I was
3 trying not to show you my two e-mails at the
4 same time.

5 Let's see. Mr. Needleman also was
6 asking you about mitigation. Were you
7 retained to conduct a full review and
8 analysis of potential mitigation for this
9 project? Was that part of the scope of work
10 that you were asked to do?

11 A. No.

12 Q. So, in fact, your suggestion for burial, was
13 that a general recommendation based on the
14 scale, size and scope of the Project?

15 A. Well, mitigation is one of the SEC rule
16 requirements. And we addressed it possibly a
17 little bit too concisely by saying that we
18 didn't feel that there was really meaningful
19 mitigation without burial. So we were
20 responding to the SEC rule with that
21 statement.

22 Q. But isn't it also true that the burden of
23 providing measures for mitigation is on the
24 Applicant? Correct?

1 A. Yes.

2 Q. Okay. So, in doing at least your review and
3 in the conduct of your Visual Impact
4 Assessment, in the scope of what you were
5 asked to do, you didn't do, you know, a
6 Canadian-border-down-to-Deerfield review of
7 mitigation measures all the way along the
8 route; correct?

9 A. Correct.

10 MS. BOEPPLE: Okay. No other
11 questions.

12 CHAIRMAN HONIGBERG: Thank you,
13 Mr. Dodson. I think we're done with you.

14 THE WITNESS: Thank you.

15 CHAIRMAN HONIGBERG: Off the
16 record.

17 (Discussion off the record)

18 CHAIRMAN HONIGBERG: With that,
19 we will adjourn and see you next time.

20 (Whereupon the Day 55 Afternoon
21 Session was adjourned at 4:31
22 p.m., and the Day 56 hearing to resume
23 on November 6, 2017, commencing at 9:00
24 a.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
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I further certify that I am neither
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Susan J. Robidas, LCR/RPR
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