

1 STATE OF NEW HAMPSHIRE  
2 SITE EVALUATION COMMITTEE

3  
4 November 20, 2017 - 9:06 a.m. DAY 62  
5 49 Donovan Street MORNING SESSION  
6 Concord, New Hampshire

7 {Electronically filed with SEC on 12-5-2017}

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

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

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

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel to the SEC  
(Brennan, Lenehan, Iacopino & Hickey)  
Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

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3 KENNETH KIMBALL

4 LARRY GARLAND

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P R O C E E D I N G S

CHAIRMAN HONIGBERG: Good morning. It's a new week, a short week, and we have a new witness panel. Do we have anything we need to do before they get sworn in?

[No verbal response]

(WHEREUPON, CHRISTOPHER THAYER, KENNETH KIMBALL AND LARRY GARLAND were duly sworn and cautioned by the Court Reporter.)

CHAIRMAN HONIGBERG: Mr. Plouffe.

MR. PLOUFFE: Thank you, Mr. Chairman. For the record, I'm Attorney Bill Plouffe, representing the Appalachian Mountain Club. So I'm going to start -- and we have a three-person panel this morning. I'm going to start with the introductory questions for Mr. Thayer.

DIRECT EXAMINATION

BY MR. PLOUFFE:

Q. Mr. Thayer, would you please state your name and your place of employment.

A. (Thayer) Christopher Thayer, AMC's Highland

1 Center, Crawford Notch, Route 302 in Bretton  
2 Woods, New Hampshire.

3 Q. Where do you live?

4 A. (Thayer) I live in Sugar Hill. I've been a  
5 resident for 15 years.

6 Q. What's your position at the Appalachian  
7 Mountain Club?

8 A. (Thayer) I'm the Club's Director for North  
9 Country Programs and Outreach, and those  
10 responsibilities include oversight of our  
11 guided teen, family and adult programs;  
12 oversight of our hospitality operations at  
13 the Highland Center at Crawford Notch;  
14 oversight of volunteer programs throughout  
15 AMC's network of facilities, as well as  
16 community relations and work on policy  
17 initiatives in the region.

18 Q. What work have you done for the Appalachian  
19 Mountain Club relative to this Northern Pass  
20 Project?

21 A. (Thayer) I reviewed the Northern Pass  
22 Application materials relative to my  
23 experience in 28 years working in the outdoor  
24 recreation and tourism in the region.

1 Q. And with respect to what particular aspect of  
2 the Application?

3 A. (Thayer) With visitor expectations to the  
4 region.

5 Q. And you've submitted prefiled testimony in  
6 this docket, dated December 30th, 2016, which  
7 has been marked as NGO Exhibit 102; is that  
8 correct?

9 A. (Thayer) Yes.

10 Q. Do you have that testimony before you today?

11 A. (Thayer) Yes.

12 Q. Are there any corrections to your prefiled  
13 testimony or errata that you want to make?

14 A. (Thayer) No.

15 Q. Do you adopt your prefiled testimony in this  
16 docket, dated December 30, 2016, which has  
17 been marked as NGO Exhibit 102?

18 A. (Thayer) Yes.

19 Q. Are there any other changes that you want to  
20 make or additions or modifications based on  
21 information that's come before this body  
22 since April?

23 A. (Thayer) No.

24 Q. Now, Dr. Kimball, would you state your name

1 and place of employment.

2 A. (Kimball) Yes. Kenneth Kimball. I work for  
3 the Appalachian Mountain Club, Pinkham Notch  
4 Office on 316 Route 16 in Gorham, New  
5 Hampshire.

6 Q. And where do you reside, Mr. Kimball?

7 A. (Kimball) I've lived in Jackson, New  
8 Hampshire for the last 34 years.

9 Q. We're calling you "Dr. Kimball" in these  
10 proceedings. Why do we call you "Dr.  
11 Kimball"?

12 A. (Kimball) Because I have a Ph.D.

13 Q. In what?

14 A. (Kimball) Actually, in ecology.

15 Q. Thank you. And what is your position at  
16 Appalachian Mountain Club, and what does that  
17 position involve that's relevant to this  
18 docket?

19 A. (Kimball) I've been the Research Director at  
20 AMC since 1983. And a lot of my role has  
21 been involved in the licensing of energy  
22 generation facilities, including hydropower.  
23 I've been involved in a lot of re-licensings  
24 and settlement agreements that happened in

1 the state, as well as reviewing a lot of wind  
2 power projects across New England with my  
3 staff. I co-authored -- excuse me. I  
4 authored the settlement agreement in Antrim  
5 relative to the requirement for  
6 radar-activated lighting. I was a co-author  
7 of the settlement agreement with Granite  
8 Reliable, and I also participated as a team  
9 member with AMC during the revisions of the  
10 SEC rules.

11 Q. Those rules you're referring to are those  
12 that are applicable to this project?

13 A. (Kimball) That is correct.

14 Q. Mr. Garland, could you state your name and  
15 place of employment.

16 A. (Garland) My name is Larry Garland, and I  
17 work at the Appalachian Mountain Club,  
18 361 Pinkham Notch, Route 16, Gorham, New  
19 Hampshire.

20 Q. Where do you reside?

21 A. (Garland) I live in Jackson, New Hampshire.

22 Q. What's your position with the Appalachian  
23 Mountain Club, and what does that position  
24 involve that's relevant to this docket?



1 A. (Garland) My title is cartographer. My  
2 principal responsibilities are creating the  
3 hiking and trail maps that are included with  
4 the AMC Guide Book publications. In addition  
5 to that, or as part of that, I also have to  
6 do a lot of on-the-ground inventory of  
7 recreational trail systems, which leads me to  
8 travel throughout the state. And I've  
9 climbed a lot of the peaks, the 3,000-footers  
10 in New Hampshire, and traveling around the  
11 country to get to some of the backcountry  
12 locations that we publish.

13 Q. Do you have familiarity with the route of the  
14 Northern Pass Project?

15 A. (Garland) I have traveled the route of the  
16 Northern Pass a number of times in both  
17 leaf-on and leaf-off conditions.

18 Q. Dr. Kimball and Mr. Garland, you submitted  
19 joint prefiled testimony in this docket dated  
20 December 30, 2016, which has been marked as  
21 NGO 103. And on April 17, 2017, you filed  
22 joint prefiled supplemental testimony which  
23 has been marked as NGO 104; is that correct?

24 A. (Kimball) Yes.

1 Q. And do you both have that testimony before  
2 you today?

3 A. (Kimball) Yes.

4 Q. What was the purpose of the testimony of the  
5 Appalachian Mountain Club?

6 A. (Kimball) The purpose of our testimony was to  
7 review the assumptions used in the VIAs  
8 submitted by the Applicant and determine how  
9 they were applied and to assess the overall  
10 completeness of the work that was provided.

11 I would want to emphasize we did not  
12 conduct a full VIA or do a full data search  
13 on all scenic resources impacted.

14 Q. Are there any errata to your joint prefiled  
15 testimony or your supplemental joint prefiled  
16 testimony that you wish to make?

17 A. (Kimball) No.

18 Q. Do you have any corrections or updates to  
19 your testimony based on information that has  
20 become involved in the record subsequent to  
21 April 17, 2017, the deadline for filing of  
22 supplemental prefiled testimony?

23 A. (Kimball) Yes, we do.

24 Q. What are those corrections?

1 A. (Kimball) I have two corrections. Based on a  
2 review of the information provided in the  
3 DeWan and Kimball supplemental report to the  
4 VIA, which is their Exhibit 093, and further  
5 analysis, we correct and update our prefiled  
6 testimony, Appendix 2, from 82 to 50 scenic  
7 resources that we had originally identified  
8 that they had missed within the three-mile  
9 corridor. This change carries throughout the  
10 rest of our testimony. And those changes are  
11 listed -- if you want, I can read now through  
12 what the new set of numbers are.

13 Q. Those are up on the ELMO now?

14 A. (Kimball) They are up on the Elmo now.

15 And then the second one is in our  
16 prefiled testimony at Page 7, starting at  
17 Line 14. We had a sentence that read, "For  
18 example, Mount Monadnock would have received  
19 a medium rating under Mr. DeWan's scheme but  
20 is clearly a scenic resource of high value  
21 and sensitivity within New Hampshire," and  
22 that should be corrected to read, "For  
23 example, Mr. DeWan's cultural rating  
24 definitions rate all state-designated scenic

1 byways as having medium cultural value and  
2 only federally-designated scenic byways are  
3 rated as having high cultural value."

4 Q. So those are the corrections to your prefiled  
5 testimony?

6 A. (Kimball) That's correct.

7 Q. So, with those corrections, Dr. Kimball and  
8 Mr. Garland, do you adopt your prefiled and  
9 supplemental prefiled testimony with those  
10 corrections?

11 A. (Kimball) Yes.

12 Q. Dr. Kimball and Mr. Garland, do you have  
13 additions to your testimony that respond to  
14 statements made in the supplemental testimony  
15 of DeWan & Associates dated April 17, 2017,  
16 or in their oral testimony before the  
17 Subcommittee?

18 A. (Kimball) Yes, we do.

19 Q. So let's go through those. And those will be  
20 entered into the record.

21 MR. PLOUFFE: But as I did with  
22 Dr. Publicover, Mr. Chairman, I will go through  
23 these one at a time, as you asked me to do with  
24 him.

1 CHAIRMAN HONIGBERG: Okay.

2 BY MR. PLOUFFE:

3 Q. So, the first question is, DeWan and  
4 Kimball -- and I'm just going to say "DeWan,"  
5 with no offense to Jessica -- during  
6 cross-examination, the Applicant made the  
7 case that the SEC should be consistent, in  
8 that a bare earth analysis and identification  
9 of scenic resources visually exposed under  
10 those conditions was neither required nor had  
11 any -- had been provided in previous  
12 applications. Since the implementation of  
13 the new SEC rules, in your experience, were  
14 they correct in that statement?

15 A. (Kimball) No, they are not. We went back and  
16 reviewed those projects that became subject  
17 to the revised SEC rules.

18 WITNESS KIMBALL: And if we can  
19 have Exhibit 133, which is from the Visual  
20 Assessment from the Antrim Wind Project. And  
21 if I can have Exhibit 134. And Susan, if you  
22 can, actually, on -- no, not that. No, no.  
23 Just take the map and turn it. That's it.  
24 There we go.

1 A. (Kimball) This is half of the map. But if  
2 you take a look at this map that was put in,  
3 it says "topography only," which means bare  
4 earth. And if you go over and look at where  
5 the arrow is on the right-hand side, you'll  
6 notice, if you can read it, it says "scenic  
7 resources." And all those little numbers  
8 around there are the identified scenic  
9 resources. They submitted both a bare earth  
10 and the scenic resources impacted under the  
11 bare earth condition as required by the  
12 rules.

13 Q. And that was done by what organization?

14 A. (Kimball) That was done by LandWorks.

15 Q. On behalf of the Applicant?

16 A. (Kimball) That is correct.

17 WITNESS KIMBALL: And if I can  
18 have Exhibit 134, which is from Eversource's  
19 Merrimack Valley Reliability Project.

20 A. (Kimball) And the VIA that was conducted  
21 there by EDR --

22 WITNESS KIMBALL: Again, if you  
23 can just move it up a little bit. Yeah.

24 A. (Kimball) You can read where it says

1 "topographic viewshed analysis" on the lower  
2 left at Figure 7A. That's a bare earth  
3 analysis.

4 WITNESS KIMBALL: And if I can  
5 have next one, please, Susan. And you're going  
6 to have to bring that down just a little bit.  
7 Thank you.

8 A. (Kimball) You will see that there's a list on  
9 the left-hand side of scenic resources. And  
10 you will see that it's -- they are looked at  
11 both from the topographic viewshed as well as  
12 the vegetative screening or topographic  
13 vegetation screening. So, in these two here,  
14 which are some of the most recent ones in  
15 front of the SEC, both the bare earth  
16 analysis as well as the required scenic  
17 resources were provided in those hearings.

18 BY MR. PLOUFFE:

19 Q. A second question. DeWan, in their  
20 supplemental prefiled at Page 10, Line 13 --

21 MR. PLOUFFE: Susan, could you  
22 put that up?

23 BY MR. PLOUFFE:

24 Q. They state that, to consider wholesale loss

1 of tree cover in evaluation of potential  
2 visual impacts would be analogous to looking  
3 at land forms that now block views of a  
4 project that could be the subject of  
5 mountaintop mining in the future, thus  
6 opening up areas of visibility.

7 Are changes in topographic features such  
8 as mountaintop removal even closely analogous  
9 to forest harvesting?

10 A. (Kimball) No, they're not. This is an  
11 extreme overreach. And I think the point we  
12 really want to make is they frequently  
13 misrepresent the points we made in our  
14 testimony. We've never inferred that the  
15 bare earth condition would happen across the  
16 whole landscape at once. Tree cutting in  
17 this state has gone anywhere from roughly  
18 30 percent -- excuse me. Roughly 70 percent  
19 of the tree cover had been removed in the  
20 early 1900s, so today we have about just  
21 under 90 percent of tree cover. And that is  
22 actually starting to decline again.

23 Views out there are actually a shifting  
24 mosaic, and that is the purpose of the bare



1 earth analysis, to try to understand those  
2 areas that may be opened up in the future,  
3 even though they may be blocked today. I  
4 mean, I would just give a quick example.

5 Mitzpah Hut was built by the AMC in the  
6 1960s. There was an excellent view because  
7 it was built at a time when logging had  
8 actually come up very close. The trees grew  
9 up. And this month, with this major storm,  
10 those trees have all been blown down again,  
11 and the --

12 (Court Reporter interrupts.)

13 A. (Kimball) The trees were blown down, and the  
14 view was back to Mitzpah Hut. But this is a  
15 classic example which also happens with  
16 forest harvesting and so forth. Views open  
17 up, close up, open up.

18 Q. So in DeWan's supplemental prefiled at  
19 Page 18, they state, quote, "While this  
20 cultural value [sic] filtration system  
21 assisted us in determining which scenic  
22 resources required an individual impact  
23 assessment -- and similar methods have been  
24 used in prior NHSEC proceedings -- our system

1 should also assist the NHSEC in their  
2 determination of significance."

3 Then, later in their critique of the  
4 AMC's prefiled testimony, at Page 70, Line  
5 17, they state, "Not only does our" -- that  
6 is, DeWan's -- "approach to cultural  
7 resources relate very closely to the D &  
8 F" -- that be the Dodson and Flinker  
9 report -- "our approach is very similar to  
10 the methodology used in prior visual  
11 assessments submitted to NHSEC."

12 Do you agree that DeWan's approach is  
13 consistent with prior visual assessments  
14 submitted to the SEC?

15 A. (Kimball) No, we don't. Again, we went back  
16 and looked at the Seacoast Reliability  
17 Project and just took a look at how they  
18 rated cultural resource versus how DeWan  
19 rated them here.

20 WITNESS KIMBALL: And if I can  
21 have NGO Exhibit 135, which is from the Visual  
22 Impact Assessment of the Seacoast Reliability.

23 A. (Kimball) And if you take a look, and you may  
24 have to -- what I've done here is the upper

1 part here, the "low," "moderate," "high," are  
2 the ratings in Seacoast Reliability. On the  
3 lower part, I've just cut that out so that  
4 it's on one page, is the definitions that  
5 were used and the rankings that were used by  
6 DeWan. And you can see --

7 WITNESS KIMBALL: You're going  
8 to have to move that or adjust because I can't  
9 read it. Thank you.

10 A. (Kimball) You will see that many of the  
11 resources that DeWan gave a low cultural  
12 value either ranked low, moderate or high.  
13 And I can go through these one by one if  
14 that's desired. But just as a quick  
15 example --

16 (Court Reporter interrupts.)

17 A. (Kimball) You will notice that state scenic  
18 byways are rated high. They're only rated as  
19 moderate by DeWan. But there seems to be an  
20 overwhelming underrating in the cultural  
21 values given by DeWan versus what was used in  
22 this study here also for the Applicant's  
23 parent company, Eversource.

24 When we went through and just looked at

1 the statistics, we also noticed that  
2 65 percent of their identified scenic  
3 resources were ranked as low cultural value,  
4 and only 11 percent were ranked as having  
5 high cultural values. It seems rather  
6 atypical for a state that advertises itself  
7 as a scenic state for tourists would have so  
8 few high-rated cultural resources out there.

9 Q. In the DeWan supplemental prefiled testimony  
10 at Page 57, on Line 8, they state, quote,  
11 "Dr. Kimball and Mr. Garland claim cultural  
12 value should not be considered at all," end  
13 quote. Is that statement correct?

14 A. (Kimball) That is false. They provide no  
15 evidence that we made such a statement. And  
16 on the contrary, we only pointed out that  
17 DeWan and Kimball's ranking of New Hampshire  
18 scenic resources was very low compared to  
19 other visual experts and similar other kinds  
20 of state ranking systems. Its use as a first  
21 reductive tool was both unique and not  
22 supported based on manuals in this  
23 profession.

24 Q. So in the supplemental joint testimony of

1 DeWan and Kimball at Page 72, Line 7, in  
2 their critique of the AMC's prefiled  
3 testimony they state, quote, "The National  
4 Conservation Easement was used to learn more  
5 about each conservation easement, determine  
6 ownership and serve as an indicator of public  
7 access," close quote. In your opinion, is  
8 the National Conservation Easement Database a  
9 good indicator if one is trying to determine  
10 public access?

11 A. (Garland) I will answer that using that  
12 National Conservation Easement Database is  
13 very problematic. The first reason is  
14 because reporting to that database is  
15 strictly voluntary. There is no requirement  
16 that any easement holder report to that  
17 database. And I confirmed that by calling  
18 the executive director of our regional land  
19 trust who I know because I've worked on that  
20 board for a number of years. And he said  
21 that he was not even aware of this easement  
22 database and has never reported to it.

23 The second point is that in that  
24 database you can call up a state profile.

1           And if you call up the state profile for the  
2           state of New Hampshire, it gives a specific  
3           breakout on access, access status to those  
4           conservation easements listed in the state.  
5           And on that web page it states that access  
6           status for the state of New Hampshire,  
7           "access unknown," is about 60 percent of the  
8           parcels in that database for the state of New  
9           Hampshire. Sixty percent of the easements  
10          have unknown access. And yet, the way Mr.  
11          DeWan chose to use that is to eliminate  
12          records that were "unknown" rather than  
13          investigate them and use the ones that  
14          perhaps -- where access was required.

15                 I did a comparison to the New Hampshire  
16          Conservation Lands Database that's available  
17          for the state GIS office, the Conservation  
18          Lands Database 2017. They do have a specific  
19          attribute for public access in that database.  
20          And if I look at the statistics on how many  
21          conservation easements have an access of  
22          "unknown" in that database, it's only  
23          29 percent.

24          Q.     So you would conclude, I assume, that the

1           latter database is a more reliable database  
2           to use?

3       A.     (Garland) The National Conservation Easement  
4           database is much less reliable with respect  
5           to public access.

6       Q.     Thank you.

7                     So, in the DeWan supplemental prefiled  
8           at Page 14, Line 13, they describe the New  
9           Hampshire official list of public waters as  
10          the database they used to identify what water  
11          bodies, lakes and ponds, qualified as scenic  
12          resources for further consideration under the  
13          SEC rules in their VIA.

14                    Dr. Kimball, I'm going to ask you, based  
15          on your experience and your professional  
16          experience, is the New Hampshire list of  
17          official waters comprehensive?

18       A.     (Kimball) The answer is no. I've been long a  
19           long-time member of the state's Rivers  
20           Management Protection Program's Advisory  
21           Committee, chairperson for quite a while, and  
22           the New Hampshire official list of public  
23           waters --

24                                    WITNESS KIMBALL: Susan, if I

1 have NGO 136?

2 A. (Kimball) If you take a look at the caveats,  
3 it says right off in the beginning that this  
4 is a partial list of freshwater public  
5 rivers. You can go to lakes and find similar  
6 kinds of language. And if you go down to the  
7 second arrow, it says "fourth order or higher  
8 rivers." This list was primarily put  
9 together relative to the Shoreline Protection  
10 Act. A "fourth order or higher river" has to  
11 be a fairly large river. If you went to a  
12 town like I live in, in Jackson, the Wildcat  
13 River would not even make it on this list.  
14 This was intended for a purpose. It is not a  
15 comprehensive list at all. It's part of the  
16 reasons why we differed in part with DeWan.  
17 For example, he missed Phillips Brook because  
18 he said it was not designated in this list.  
19 It is a recognized paddling opportunity in  
20 AMC's river guide. But it is a very  
21 incomplete list of water bodies for the  
22 state. And it's recognized if you read the  
23 full report.

24 Q. Why did -- other than the fact that you live



1 in Jackson, is there something special about  
2 the Wildcat that made you use that as an  
3 example?

4 A. (Kimball) Yeah. I mean, well, actually, the  
5 Wildcat River is in the National Wild and  
6 Scenic Program.

7 Q. Thank you.

8 So, in DeWan's supplemental, on Page 72,  
9 Line 17, they state, "The development of an  
10 existing visibility analysis or delta  
11 viewshed map is not required by NHSEC  
12 regulations." Do you concur with this  
13 statement? And I direct that question to Mr.  
14 Garland.

15 A. (Garland) Well, the SEC regulations are quite  
16 specific in site 301.14, that criteria  
17 relative to findings of unreasonable adverse  
18 effects, that the Committee shall consider,  
19 No. 1, the existing character of the area of  
20 potential visual impact. And it would be  
21 very difficult or not possible to consider  
22 the existing character of the landscape  
23 without consideration of the existing  
24 corridor.

1           Furthermore, Line 4 under that same rule  
2           states the scope and scale of the change in  
3           the landscape that's visible from the  
4           affected scenic resource. Again, you can't  
5           look at the scope and scale of the change of  
6           the landscape unless you were looking at both  
7           the existing and the proposed conditions.

8    Q.   And finally, in the supplemental testimony of  
9           DeWan at Page 74, Line 3, DeWan observes,  
10           quote, "They," meaning the AMC, "determined  
11           potential visual impacts on scenic resources  
12           is based on the number of structures  
13           theoretically visible from various distance  
14           zones," quote close, and then they go on to  
15           conclude, quote, "This is an approach that we  
16           have never encountered before," close quote.  
17           In fact, is this approach unique and  
18           undocumented?

19   A.   (Kimball) It is not. Essentially using some  
20           sort of rating system as to the number of  
21           towers you can see as you move back from  
22           distance is not unusual.

23                           WITNESS KIMBALL: If I can have  
24           Exhibit NGO 137, which again is from the

1 LandWorks Visual Assessment for the Seacoast  
2 Reliability Project. Susan, you're actually  
3 going to have to bring up yellow...

4 A. (Kimball) You'll see that their scoring of  
5 prominence used a point system, and it was  
6 based on --

7 WITNESS KIMBALL: You're going  
8 to have to move the -- adjust the zoom. Yeah.

9 A. (Kimball) You will see that essentially they  
10 used a system that was analogous to the one  
11 we used, which is the number of structures  
12 versus the distance as you move back changed.  
13 It is not an unusual approach.

14 Q. Thank you.

15 MR. PLOUFFE: With that, this  
16 panel is ready for questions, Mr. Chairman.

17 CHAIRMAN HONIGBERG: Thank you,  
18 Mr. Plouffe.

19 Mr. Aslin.

20 MR. ASLIN: Thank you, Mr.  
21 Chairman.

22 MS. MERRIGAN: Dawn, could I  
23 have the system, please?

24

1 CROSS-EXAMINATION

2 BY MR. ASLIN:

3 Q. Good morning. My name's Chris Aslin. I'm  
4 designated as Counsel for the Public in this  
5 proceeding.

6 I'm going to touch on a few spots in  
7 your testimony to get a little better  
8 understanding of your position and what  
9 analysis you performed. And I'm going to  
10 start with Mr. Thayer this morning.

11 Good morning.

12 A. (Thayer) Good morning.

13 Q. In your testimony, you make -- sorry. Go  
14 back. You include in your Professional  
15 Experience section that you were the Chair of  
16 the New Hampshire Grand Tourism Development  
17 Team and that that's an ongoing position; is  
18 that correct?

19 A. (Thayer) Yeah, it's a position -- it's part  
20 of a destination tourism project that's  
21 affiliated with the Northern Community  
22 Investment Corporation. So I serve in that  
23 capacity for AMC as a volunteer on that  
24 advisory board.

1 Q. Okay. And then you also referenced that  
2 later in your testimony the work that's been  
3 done by the New Hampshire Grand in developing  
4 a regional brand. And I wanted to understand  
5 a little more about that organization.

6 It sounds -- if I understand correctly,  
7 it's a group of different stakeholders in the  
8 North Country have come together to help  
9 develop marketing for the North Country?

10 A. (Thayer) Yeah, it's made up of businesses,  
11 tourism-related businesses, both large and  
12 small, as well as the four chambers of  
13 commerce in the region. When we say "North  
14 Country," it's targeting the areas primarily  
15 north of the White Mountains, which is well  
16 known for its tourism and scenic values. But  
17 the North Country as well, north of Route 2;  
18 that is equally well known as the Great North  
19 Woods Region. That's the area of focus for  
20 New Hampshire Grand.

21 Q. And in your testimony you reference their  
22 branding as an example of some of the  
23 important things that people look to in the  
24 North Country. Is -- I'll step back.

1           This is not a state organization. This  
2           is a group of private and non-profit  
3           entities; is that correct?

4    A.    (Thayer) Yes.

5    Q.    Okay. And as far as the branding goes, the  
6           purpose is to attract people to the North  
7           Country?

8    A.    (Thayer) Yes.

9    Q.    And do I understand correctly that it's not  
10          focused specifically on recreational  
11          opportunities, but on all kinds of  
12          attractions in the North Country?

13   A.    (Thayer) Yes.

14   Q.    Okay. So, to the extent you're offering up  
15          the New Hampshire Grand marketing as an  
16          example in this proceeding, would you agree  
17          that it's limited to, or it's a way of  
18          showing what local businesses and other  
19          stakeholders deem to be of interest to people  
20          coming to New Hampshire?

21   A.    (Thayer) Yes.

22   Q.    Okay. Thank you.

23                    In your testimony you also make  
24                    reference on Page 6 to a number of statistics

1           about tourism and its important to the North  
2           Country. And I'm specifically looking at  
3           Lines 10 through about 16. And you cite a  
4           number of statistics here, including that  
5           tourism is New's Hampshire second largest  
6           industry in terms of jobs supported by  
7           dollars from out of state, and then you have  
8           some other numbers here. Is this data from  
9           the New Hampshire Division of Travel and  
10          Tourism?

11        A.    (Thayer) Yes.

12        Q.    Okay. I wasn't clear on that. And it looks  
13          to be 2014 data; is that correct?

14        A.    (Thayer) Yes.

15        Q.    Has there been any update of that data  
16          since --

17        A.    (Thayer) Not that I -- I referred back to the  
18          web site, and there has not been any update.  
19          And those are broad or statewide. I mean,  
20          obviously with a region like the North  
21          Country, it would be even more important as  
22          an industry, as the region has gone through  
23          transition.

24        Q.    Okay. That was going to be my follow-up. To

1 the extent these are state-level statistics,  
2 do you have any knowledge of the breakdown of  
3 what portion of that would be relevant to the  
4 areas that the Project passes through?

5 A. (Thayer) I know that in 2012 and 2013 there  
6 was an exponential increase in meals and  
7 rooms taxes in Coos County, which is one of  
8 the matrix for measuring tourism growth. And  
9 the New Hampshire Grand initiative started in  
10 2009. And while weather can be an impact to  
11 that, I think it's also recognized,  
12 recognized by businesses in the region, that  
13 the promotion of the product of what is  
14 offered in the region is resonating with  
15 people. The growth exponentially year over  
16 year in social media and followers for New  
17 Hampshire Grand is attributable to that as  
18 well.

19 Q. Okay. Thank you.

20 But there's not, to your knowledge, any  
21 specific breakdown that focuses on the  
22 regions that are impacted directly by the  
23 Project for these kinds of statistics.

24 A. (Thayer) Only what is pulled from the



1 available data, the Institute for New  
2 Hampshire Studies, which in some cases is  
3 granular but in many cases is statewide.

4 Q. Okay. Thank you.

5 You also make reference to the North  
6 Country Council, which, if I understand  
7 correctly, you are a member of the North  
8 Country Council?

9 A. (Thayer) I served on the board when I was a  
10 planning board representative for the Town of  
11 Sugar Hill. I was on the board and  
12 vice-chair of the board through 2016.

13 Q. Okay. Thank you.

14 And you referenced the North Country  
15 Council's plan for New Hampshire's North  
16 Country as a document that demonstrates the  
17 areas of importance from the plan  
18 perspective. And I believe the document  
19 you're referencing is from 2014 as well?

20 A. (Thayer) Yeah.

21 Q. And that hasn't been updated further since  
22 that time?

23 A. (Thayer) No. Typically planning resources  
24 are -- they're not often as deep as you would

1 want. So that was a regional plan that was  
2 done actually throughout the State of New  
3 Hampshire with EDA money, and it was updated  
4 for our region as well of the North Country.

5 Q. And were you on the board during the time  
6 frame that this plan for the North Country  
7 was being adopted, this version?

8 A. (Thayer) Yeah.

9 Q. You quote on Page 10 of your testimony a  
10 section from that plan that references scenic  
11 drives. And it states that they are one of  
12 the leading activities with visitors to New  
13 Hampshire. And I wanted to ask you a couple  
14 questions about how scenic drives are used in  
15 the plan as it relates -- as it may relate to  
16 how that term is used in the SEC rules.

17 When the plan references "scenic  
18 drives," is it referencing specifically  
19 roadways that have been designated by a town  
20 or state for their scenic quality?

21 A. (Thayer) Not necessarily. In the North  
22 Country, it's widely known that almost any  
23 road is probably considered a scenic drive  
24 because of the resources that it passes

1 through. But certainly having served on the  
2 Scenic Byways Council, there are certainly  
3 state-designated byways called out in the  
4 plan as well. But any community would  
5 highlight beyond those state-designated  
6 scenic byways additional routes that are  
7 driven by tourists on a regular basis.

8 Q. And so when the plan for New Hampshire's  
9 North Country references scenic drives as an  
10 important aspect for tourism, I believe  
11 you're saying that they're looking much more  
12 broadly than just to designated roadways.

13 A. (Thayer) Yeah, it's a recognition that the  
14 scenic resources are important for the  
15 region. And whether that's designated by a  
16 state body or not, they are a critical  
17 element to what a community is putting  
18 forward.

19 Q. And in that context, would I be correct that  
20 you would agree that those scenic drives,  
21 whether designated or not, could constitute a  
22 tourist destination?

23 A. (Thayer) Yes.

24 Q. You make reference in your testimony and you

1 included as an exhibit to your testimony New  
2 Hampshire's Image as a Travel Destination  
3 Report from 2003. And as I understand it,  
4 that was commissioned by the New Hampshire  
5 Division or Department or Travel and Tourism.

6 A. (Thayer) New Hampshire Division of Travel and  
7 Tourism Development.

8 Q. And this was commissioned by that state  
9 agency.

10 A. (Thayer) Yes, in 2002. The report came out  
11 in 2003.

12 Q. Yes. And has there been, to your knowledge,  
13 any subsequent follow-up on that report? Has  
14 it been updated in any way or --

15 A. (Thayer) Not to my knowledge.

16 Q. Okay. Thank you.

17 Again, as I reviewed that report, it  
18 seems to focus on aspects of New Hampshire  
19 that are attractive to tourists. Is that a  
20 fair statement?

21 A. (Thayer) Yes.

22 Q. And it's your position and your testimony  
23 that those are the scenic characteristics of  
24 New Hampshire that would be affected by the

1 Project?

2 A. (Thayer) Yes.

3 Q. And I think your -- well, would you agree  
4 that your overall opinion, based on your  
5 experience, is that the Project will  
6 negatively affect visitor experiences in New  
7 Hampshire?

8 A. (Thayer) Yes. And that's from my direct  
9 experience of 28 years talking to guests and  
10 visitors that come to our region, working  
11 with businesses across the region and tourism  
12 development, and the reports put out to date  
13 that are grounded, whether it's at the state  
14 level in terms of the 2003 report that you  
15 note or the regional plans that highlight  
16 tourism as a critical piece of economy. And  
17 scenic resources is a critical piece of  
18 tourism.

19 Q. Okay. Thank you.

20 You aren't -- if I understand correctly,  
21 though, you're not trying to quantify in your  
22 testimony the direct impact of the Project on  
23 viewer expectations; is that correct?

24 A. (Thayer) That's correct.

1 Q. But you have an overall opinion that it will  
2 be a negative impact?

3 A. (Thayer) Correct, based on, yeah, my  
4 experience in the region for over two  
5 decades.

6 Q. Okay. And I believe you testified that most  
7 of your experience is sort of in the Great  
8 North Woods or the North Country. Is your  
9 opinion different at all for the portions of  
10 the Project that are south of the Notches?

11 A. (Thayer) My opinion wouldn't be different,  
12 just founded in terms of knowing some of  
13 those business enterprises, attending  
14 Governor's tourism conferences, that tourism  
15 in general is a critical aspect to the state.  
16 And that's true in the Lakes Region as it is  
17 in the North Country.

18 Q. And would you agree that your opinion is  
19 based on a general understanding or belief  
20 that transmission lines are unattractive as  
21 opposed to specific studies that address the  
22 visual impacts of transmission lines?

23 A. (Thayer) Yes, I'd agree with that.

24 Q. You haven't performed any surveys or done

1 any --

2 A. (Thayer) I have not performed any surveys or  
3 studies.

4 Q. Okay. All right. Thank you, Mr, Thayer.  
5 I'm going to turn to Dr. Kimball and  
6 Mr. Garland and their testimony.

7 Broadly, your testimony is a critique of  
8 the DeWan VIA and the methodology that was  
9 used; is that a fair statement?

10 A. (Kimball) That is a fair statement.

11 Q. And I believe you said earlier today that you  
12 did not attempt to perform your own VIA, but  
13 rather to critique the one that was done by  
14 the Applicant's consultant.

15 A. (Kimball) That is correct. And it would have  
16 been very difficult, too, because we had  
17 requested their Intermap data, and we were  
18 told we would have to pay \$32,000 to get it.  
19 So it was rather difficult to try to perform  
20 anything past that.

21 Q. And I believe, Mr. Garland, you testified a  
22 little earlier with Attorney Plouffe  
23 regarding the concern raised in your  
24 testimony about the use of the NCED, the

1 National Conservation Easement Database. And  
2 I wanted to get a better understanding of  
3 what your testimony is on this issue.

4 In your original testimony, you  
5 critiqued DeWan's use of that data. And I  
6 believe you're looking specifically at the  
7 code for the public -- or not public purpose,  
8 but the... let me get the right language  
9 here -- the scenic quality code -- sorry --  
10 the open space code.

11 A. (Garland) I was looking at the parameters for  
12 public access.

13 Q. Okay. But in your initial testimony on  
14 Page 6 --

15 A. (Garland) Is this in the prefiled?

16 Q. Yes, your prefiled testimony on Page 6, which  
17 is the December 30th testimony, you reference  
18 on Line 13 that TJD eliminated many  
19 conservation lands as not having scenic  
20 quality if their conservation purpose  
21 classification was other than "open space" in  
22 the NCED. Do you see that testimony?

23 A. (Garland) I do see that.

24 Q. Okay. And then earlier today you were



1           referencing public access as a factor under  
2           the NCED. And I want to understand which, if  
3           it's both of those were concerns or there's  
4           been a shift in what --

5   A.   (Garland) No, I think they're both concerns.

6   Q.   Okay. And the NCED is -- well, back up.

7                       Who maintains that database?

8   A.   (Garland) It's maintained by a collaboration  
9           of different organizations. I do know that  
10          one organization that's tasked with  
11          collecting easement data for public agencies  
12          is Ducks Unlimited, and the agency tasked  
13          with collecting easement data for NGOs is the  
14          Trustees for Public Lands.

15   Q.   So is this database a state or federally  
16          maintained database, or is it something  
17          that's created by interested stakeholders?

18   A.   (Garland) No, it is not federally or  
19          state-maintained. It is maintained by a  
20          collaboration of these organizations.

21   Q.   And do I understand correctly that the  
22          database contains a list of identified  
23          conservation easements that has different  
24          attributes specified for each one?

1 A. (Garland) Yes. I mean, there are individual  
2 records for each conservation easement, yes.  
3 But the records specifically do not include  
4 landowner identification information. So if  
5 you're using it as a basis for research, you  
6 could look up that there is a conservation  
7 easement, but it would not tell you who the  
8 landowner is.

9 Q. But it would tell you the location.

10 A. (Garland) It would tell you the location,  
11 yes.

12 Q. So you can cross-reference to specific  
13 conservation easements in New Hampshire.

14 A. (Garland) Yes, it would if you were doing it  
15 strictly spatially or visually because  
16 oftentimes the names of an easement aren't  
17 directly related.

18 Q. Okay. And your critique here, at least at  
19 the time of your prefiled testimony, was that  
20 DeWan was using the "open space"  
21 classification. Is that an attribute that is  
22 listed for different conservation easements  
23 under the database?

24 A. (Garland) The database would likely identify

1 the primary purpose of the easement. But the  
2 primary purpose is not always, you know,  
3 every purpose. There could be secondary  
4 purposes.

5 A. (Kimball) I believe their coding system is  
6 based on the IRS rules.

7 Q. Okay. Thank you. That's mentioned in your  
8 testimony as well.

9 And so there's a "Purpose"  
10 classification, and it may list a number of  
11 different things for different conservation  
12 easements. And it appears here in your  
13 testimony that you are raising a concern that  
14 DeWan & Associates was using open space as a  
15 criteria that would indicate a scenic quality  
16 for these conservation easements. Is that a  
17 fair statement, paraphrasing?

18 A. (Kimball) Yeah. In the IRS codes, the "open  
19 space" specifically has language I believe  
20 about scenic as one of the purposes. The  
21 other values in the IRS code are for other  
22 purposes, but that does not preclude that  
23 they do not have scenic values as well.

24 Q. And if I understand your critique here, you

1 don't believe that the Purpose classification  
2 is the appropriate filter to apply to  
3 conservation easements when determining  
4 scenic quality?

5 A. (Garland) The open space purpose could apply  
6 to lots of different kinds of lands, such as  
7 golf courses. A lot of people play golf  
8 because of the scenic beauty of the golf  
9 course, but that's not listed as the primary  
10 purpose of the easement. So there are a lot  
11 of different types of land use under that  
12 general category.

13 A. (Kimball) And I would just add as well, for  
14 example, agricultural easements would not be  
15 listed in that data file.

16 Q. Wouldn't be?

17 A. (Kimball) And I don't believe that the  
18 wetland reserve easements are listed in that  
19 data file either.

20 Q. When you said they wouldn't be listed in that  
21 data file, they wouldn't be captured in the  
22 database at all or they wouldn't have --

23 A. (Kimball) They're a different kind of --  
24 (Court Reporter interrupts.)

1 Q. They wouldn't have an open space designation  
2 for the primary purpose?

3 A. (Kimball) Correct.

4 Q. All right.

5 A. (Garland) To clarify, the agricultural  
6 easements are not included in the National  
7 Conservation Easement Database at all.  
8 They're not even included.

9 Q. Okay. Thank you.

10 So your critique is that they were using  
11 this inappropriately and that it would  
12 underrepresent the number of conservation  
13 easements that may have a scenic quality?

14 A. (Kimball) It's a limited tool.

15 Q. And then this morning you were also speaking  
16 or testifying about the "Public Access"  
17 classification. So that's a separate  
18 critique?

19 A. (Garland) Yes. Yes, it is.

20 Q. Okay. And if I understood your testimony  
21 this morning, your concern was that they  
22 were, DeWan & Associates, were using the  
23 Public Access classification in this database  
24 to determine whether a conservation easement

1 has public access to meet the Site Evaluation  
2 Committee rule?

3 A. (Garland) Yeah, the DeWan testimony seemed to  
4 indicate they were referencing this National  
5 Conservation Easement Database as a  
6 preliminary look, as one tool in determining  
7 public access.

8 Q. And your testimony is that would be  
9 inappropriate because --

10 A. (Garland) I believe I said that it was less  
11 reliable because it indicated that 60 percent  
12 of the conservation easements in New  
13 Hampshire had public access status of  
14 "unknown"; whereas, the Conservation Lands  
15 Data later distributed through the state had  
16 less than 30 percent of access unknown.

17 Q. I believe you said that that state database  
18 was the more reliable for that criteria.

19 A. (Garland) As it pertains to this particular  
20 example, yes.

21 Q. Okay. Thank you.

22 In your testimony, you also criticized  
23 DeWan & Associates for failing to consider  
24 the public comments that had been filed in

1           this docket as an indicator of viewer  
2           expectation. Is that a fair statement?

3       A.   (Kimball) That is correct. I think we put in  
4           an exhibit before that a number of standard  
5           manuals in this profession recommend taking  
6           it into consideration. We have seen no  
7           evidence that's been presented by the  
8           Applicant, and there's literally been  
9           thousands and thousands of comments filed  
10          between this and the DOE process. When we  
11          last looked in April, there were over a  
12          thousand-plus comments that had been filed  
13          with the SEC, plus a number of petitions that  
14          had thousands of names listed there as well.  
15          So, with such an overwhelming amount of  
16          public input, as well as a number of years  
17          that people have put their own private time  
18          and money, I would think it would have been  
19          worth going and finding out what these people  
20          thought as part of that analysis, as  
21          recommended by the manuals, including the  
22          manual that was written by Mr. DeWan.

23       Q.   And in regard to that position, do you -- is  
24           it your opinion that public comments in

1           general are indicative of viewer expectation  
2           or that they're a potential resource to look  
3           at your expectations in more detail?

4    A.   (Kimball) I think in this case the public  
5           knows what high-voltage transmission lines  
6           look like.  It's not a theoretical.  I  
7           suspect most of these people have passed by  
8           them before.  So it is a very good index of  
9           what visitor and public expectations are  
10          about the landscape and the impacts that it  
11          will have.

12   Q.   In using public comments to assess viewer  
13          expectations, would you agree that the VIA  
14          contemplates that viewer expectations would  
15          be assessed on a resource-by-resource basis?

16   A.   (Kimball) Could you repeat the question?  I'm  
17          sorry.  I'm not sure I totally absorbed it.

18   Q.   Not a problem.  Would you agree that when  
19          performing a visual impact assessment under  
20          the SEC rules, the concept of your  
21          expectations is contemplated to be assessed  
22          on a resource-by-resource basis rather than  
23          on a global basis?

24   A.   (Kimball) I think you have to do both.



1 Q. Okay. And so I understand your testimony  
2 that the public comments in general should  
3 have been considered. Is it also your  
4 position that public comments could be used  
5 to look at specific viewer expectations at  
6 individual scenic resources?

7 A. (Kimball) I think under that scenario you  
8 would have to bring the public out to that  
9 spot to do it. But the public has had an  
10 opportunity to look at the photo simulations  
11 and so forth, and so it's not like when they  
12 were commenting that they were blind to what  
13 this would potentially look like.

14 Q. Okay. So, to the extent that comments  
15 referenced a particular resource, it would be  
16 potentially more relevant than a general  
17 comment against the Project?

18 A. (Kimball) Well, I think if you read through  
19 the comments, you'll see a number of comments  
20 just came in and just simply objected. You  
21 will find another subset of those comments,  
22 which is what we tried to tabulate in our  
23 supplemental prefile up through April. We  
24 went through and tried to weed out where an

1 individual had commented more than one time.  
2 Then we also went through and read the  
3 comments and then scored them, if they had  
4 talked -- that their concern was particularly  
5 about visual, we scored that. And I think it  
6 was around 58 percent. I don't have the  
7 numbers, but they are in our supplemental.  
8 And in other cases, you know, they might have  
9 had other concerns that were listed out  
10 there. But a lot of them were comments that  
11 were just simply opposed to the Project.

12 I think it's a fair assumption, even  
13 though they didn't particularly emphasize  
14 whether they were opposed to it because of  
15 the scenic or road construction or other  
16 things, that a good percentage of those that  
17 just simply said "I'm opposed" obviously had  
18 aesthetics on the mind. I don't think that's  
19 an unreasonable assumption.

20 Q. Okay. Thank you.

21 In your testimony you also raise a  
22 concern that DeWan & Associates misapplied  
23 the vegetative screening analysis by using a  
24 mean height. You specifically are concerned

1 about assigning a mean height to various land  
2 cover types incorrectly? And this is in your  
3 testimony at Page 11. I wanted to understand  
4 sort of the scope of your critique.

5 Is it your position that entire land  
6 cover types were misassigned a height across  
7 the board, or is it specific locations where  
8 the assigned height is inappropriate?

9 A. (Garland) There were instances where a land  
10 type across the board was not evaluated  
11 properly.

12 Q. Okay. And would that -- is that the general  
13 concept of your critique, or are there  
14 also -- you have an example of Percy Peak,  
15 which in your testimony references it's bare  
16 rock.

17 A. (Garland) That's slightly different. Yeah,  
18 we had commented that in the original VIA  
19 that they did not take into account -- or  
20 they misrepresented the height of what is  
21 classified as bedrock. They did not look at  
22 areas that were classified as bedrock. In  
23 their supplemental, when they filed a  
24 correction that they did look at bedrock,

1           they missed North Percy Peak, which is well  
2           documented as being open, panoramic vista  
3           views on bedrock. So there are two aspects  
4           to that comment. One is the general  
5           misclassification of bedrock across the  
6           board, and then we offered North Percy Peak  
7           as a specific example that they simply missed  
8           in their analysis altogether.

9    Q.    Okay. Thank you.

10                 So, for the land cover types that you  
11           are contending that they used an  
12           inappropriate height, do you have a list of  
13           those, or have you specified the specific  
14           land covers that were inappropriately  
15           assigned?

16    A.   (Garland) Yes, we did in our prefiled. It's  
17           on Page 12 of our prefiled.

18    Q.    Oh, yes. Okay. So, for each of those, it's  
19           your position they applied that incorrectly  
20           across the board for those land cover types?

21    A.   (Garland) Yes.

22    Q.    Okay. Thank you. That clarifies it for me.

23                 You also have a critique about their  
24           delta visibility mapping. And I was having a

1 little trouble understanding what you were  
2 getting at with the pixel size. And I'll  
3 give it a shot and then you can correct me if  
4 I've gotten it incorrect.

5 If I understand what your testimony is,  
6 and this is on Page 15 of your prefiled  
7 testimony, that the scale of the mapping that  
8 was used is too big or too far away to  
9 accurately show locations where the Project  
10 may be visible?

11 A. (Garland) That particular issue was scale.  
12 Yes, they were trying to illustrate locations  
13 where towers would be visible. And that's  
14 represented by individual pixels which  
15 represent areas on the ground. At the scale  
16 of these delta maps, those pixels are  
17 represented in a very small dot. Now, those  
18 visibility maps include a lot of gray shading  
19 and a lot of color background for  
20 conservation lands and water and other forms.  
21 So if you're trying to represent singular  
22 dots of where there's visibility, those  
23 individual dots get lost in the background of  
24 the gray shading of the map, and they're very

1           difficult to pick out by eye at this scale.

2    Q.    Okay.  So at least one of the issues is that  
3           there could be isolated locations that are  
4           just not visible on the mapping as showing  
5           visibility of the Project.

6    A.    (Garland) Well, it's not dissimilar from if  
7           you're in a Google map or some interactive  
8           application.  As you zoom in, there's more  
9           data that becomes visible, more detailed.  
10          And the same would be the case in these maps.  
11          If we had the ability to zoom in, we'd be  
12          able to see more distinct dot patterns,  
13          clustering groupings of dots representing  
14          visibility.

15   Q.    Okay.  And so your larger point here is that  
16          the maps would underrepresent the amount of  
17          visibility, or at least make it hard to  
18          understand the extent of the visibility of  
19          the Project?

20   A.    (Garland) Yes, I believe that they do  
21          underrepresent.

22   Q.    Okay.  Thank you.

23                    In your testimony, you also have a  
24                    review of the evidence submitted, kind of run

1 through the criteria that the SEC has to  
2 review when considering unreasonable adverse  
3 effects on aesthetics. And one of the areas  
4 under the rules is the extent and duration of  
5 public uses. And on Page 17 you have a  
6 critique, or you have a statement that the  
7 duration of visual impact of this project on  
8 the public would last for decades to  
9 centuries. And I wanted to understand your  
10 reason for making that statement in the  
11 context of an extent, nature and duration  
12 analysis, because this seems to be talking  
13 about the length of time the Project will  
14 exist as opposed to the duration of public  
15 use of a particular scenic resource. So  
16 could you help me understand the relevance of  
17 the --

18 A. (Kimball) Yeah. I think you have to look at  
19 various scales to get a proper assessment.  
20 Obviously, there is a scale if you're coming  
21 up to a visual -- to a viewpoint, what its  
22 impact is going to be at that particular  
23 location. But you also have to ask the scale  
24 question: Is this something where it's

1 always going to be there, or is it something  
2 that's going to be temporarily there?  
3 Sometimes with construction it's temporarily  
4 there. This will be there permanently on the  
5 landscape of New Hampshire. And as we, you  
6 know, noted here, it can be experienced,  
7 anything from people that have to drive by it  
8 every single day if they lived in that area  
9 or if they're tourists coming up to their  
10 second home. Their interaction with it may  
11 be very short time intervals every time they  
12 pass it, but the frequency of those at some  
13 point adds up to a collective impact, as  
14 opposed to just saying because they drive by  
15 very quickly, as indicated by the visual  
16 consultants for the Applicant, that it's a  
17 pretty minor impact because it only takes a  
18 few seconds to drive by it.

19 Q. So the longevity of the Project, in your  
20 opinion, is relevant to duration of view  
21 because of repeated encounters with the  
22 Project?

23 A. (Kimball) I don't know how you reasonably  
24 could not ask what the impact is out over



1 time. If we tried to freeze all of our  
2 decisions just on the conditions that are  
3 based here at this very moment, at least from  
4 our professional opinion, that would be a  
5 very inappropriate scale to apply.

6 Q. Okay. Thank you.

7 Now, you included in your testimony two  
8 appendices, and the first represents to be  
9 your identification of scenic resources using  
10 DeWan & Associates viewshed maps. Is that  
11 correct?

12 A. (Kimball) That is correct.

13 Q. And I want to go through this a little bit in  
14 some detail because I was having some trouble  
15 understanding exactly what was performed  
16 here.

17 From sort of a macro perspective, I  
18 understand you used the data from the  
19 Applicant's viewshed analysis to identify  
20 resources that you believed would be scenic  
21 resources under the SEC rules.

22 A. (Kimball) Yeah. Actually, what we're trying  
23 to do here is when you look at a project like  
24 this, one normal way of looking at it is to

1 pick specific viewpoints, or KOPs as they're  
2 called here, and go out and do a photo  
3 simulation. But those are just particular  
4 points. This is a way of trying to take a  
5 look and ask what is the overall area,  
6 whether it be linear distances because you're  
7 a road or river, or what's the overall  
8 acreages being impacted. And what we tried  
9 to do and the reasons why we called it  
10 conservative is we used a screen that  
11 basically said, if that resource had less  
12 than a 100 feet if it was a linear resource,  
13 we wouldn't even count it when we went  
14 through this. And if this particular  
15 resource had less than an acre that was  
16 showing up as visible in the map, and that's  
17 also partly visible because of the resolution  
18 of the data, then we would exclude it from  
19 the data set.

20 And then if you just take, for example,  
21 state-designated rivers, what we did is we  
22 broke this out category by category, as  
23 listed in the definitions in the SEC rules.  
24 And there are five scenic rivers that would

1           be impacted. You can start to get a sense of  
2           the overall impact just on all the state's  
3           designated rivers. There's 7 where there  
4           would be river crossings.

5                   And then if you move across to the  
6           right, essentially we said if the impact was  
7           in the foreground, that is 300 -- I'm  
8           sorry -- in the immediate foreground, that  
9           is, zero to 300 feet out, how many linear  
10          miles of the state-designated were in that.  
11          And then we moved over into how many linear  
12          miles would be impacted if it's 300 feet to a  
13          half-mile. But when we moved out, we said  
14          now it's not that you can just see one tower.  
15          When you got into that, what's called the  
16          "foreground," we said we had to at least see  
17          two towers. And then when you move out from  
18          a half-mile to three miles, we said we  
19          wouldn't even count it unless you could see  
20          at least six towers. This goes back to the  
21          exhibit that we just demonstrated during  
22          direct. It is a technique that is used by  
23          others. And then if it was from three miles  
24          to 10 miles because the visibility of these

1 becomes much more difficult to see, we only  
2 counted it if you could see greater than 11  
3 towers. So this was our attempt to try to  
4 take into consideration that the further back  
5 you moved, you would have to see a lot more  
6 towers before we would even count it in this  
7 analysis.

8 I do want to point out, and it is in our  
9 footnotes here so that we're very transparent  
10 about it, there can be resources that meet  
11 different categories. You could be a  
12 designated bike way or an identified bike way  
13 and you could also be a scenic road. We  
14 tabulated these up by each of the individual  
15 resources coming down. So there are some  
16 resources that could show up in different  
17 categories because the SEC rules have  
18 different categories. That's not totally  
19 inappropriate because there are different  
20 user groups using it for different purposes.

21 Q. Okay. Thank you.

22 So I want to unpack that a little bit.  
23 Let's take the state-designated rivers since  
24 that's what you were just talking about. To

1 identify those, I assume you used a database  
2 of state-designated rivers and then  
3 cross-referenced that with the viewshed  
4 maps --

5 A. (Kimball) That is correct.

6 Q. -- where it would be visible.

7 A. (Kimball) And we did this using their  
8 viewshed maps.

9 Q. Okay. Great.

10 And then you have this column named  
11 "Number of Features." Is that the number of  
12 scenic, state-designated rivers --

13 A. (Kimball) That is correct.

14 Q. And then Corridor Crossings I think is  
15 self-evident.

16 A. (Kimball) Yeah.

17 Q. Total Impacted Units --

18 A. (Kimball) Yeah. I'm sorry. Did you finish?

19 Q. What does that represent?

20 A. (Kimball) Okay. The units are because when  
21 you look at different features, you have to  
22 use different units, otherwise you're trying  
23 to do an apple to apple. If you just do raw  
24 numbers of a feature, a scenic feature, you

1 can actually come up with some inappropriate  
2 conclusions. Linear features we measured in  
3 miles. When we got into a spacial feature  
4 such as a state park or a lake, then it was a  
5 question of how many acres within that lake  
6 or how many acres within that state park, or  
7 whatever the condition may be, would be  
8 visible. So this is an attempt to try to  
9 understand the combined effect of all of  
10 these impacts that are happening, which is  
11 different than looking at it from a single,  
12 let's do a KOP and then use two or three of  
13 those or whatever as representative of the  
14 whole region. They're both appropriate  
15 tools.

16 Q. So in this case, for state-designated rivers,  
17 there's a total of five rivers that are  
18 within the viewshed area.

19 A. (Kimball) Correct.

20 Q. And 15 miles of those five rivers have  
21 visibility of the Project?

22 A. (Kimball) No. There are 5 rivers, there are  
23 7 crossings of those rivers, and then there  
24 are 15 impacts. And that is if you take the

1 four numbers to the right of the 15 would add  
2 up to give you the accumulation of those.

3 Q. I see. Okay. And then for each of the  
4 different distance zones you've rated the  
5 number of units that are impacted visibly by  
6 the Project with the filtering that you just  
7 described about the number of towers visible  
8 for different vistas.

9 A. (Kimball) That is correct. And that's why we  
10 called it conservative. We didn't say, okay,  
11 you can see it. It is equal when you move  
12 from very close to far out.

13 Q. And when you're assessing the visibility of  
14 the Project in each of those distance zones,  
15 is it simply some amount of the tower is  
16 visible in order to check the box for Tower  
17 Visibility?

18 A. (Kimball) Yes.

19 Q. So this doesn't capture the intensity of the  
20 visibility in any particular vista.

21 A. (Kimball) It does not.

22 Q. Okay. Thank you.

23 And then it appears that while your  
24 units are miles, you do break it down into

1 tenths of miles in certain circumstances?

2 A. (Kimball) Yeah. Again, because of the  
3 coarseness of the data and so forth, we did  
4 not want to say that if it was only like it  
5 was showing up as only 15 feet of that  
6 distance was visible. That's why we used a  
7 filter of a 100 feet, slightly over a 100  
8 feet, as a reasonable distance. That is if  
9 you're driving by it or paddling down a  
10 river, you had to see it for at least 100  
11 feet before it would get on this list. And  
12 that's based on the quality of the data.

13 Q. Okay. And then you tallied all these  
14 resources that you've identified using this  
15 methodology and you reached 240?

16 A. (Kimball) Yeah, and that's -- you know, I  
17 would point out this is not a complete list.  
18 This was just what we could find that was in  
19 their databases. And then, because we found  
20 some additional, we added them in. But it is  
21 not a comprehensive list.

22 Q. And with regard to these identified 240  
23 resources, are you making any -- giving any  
24 opinion about the magnitude of the impact?



1 A. (Kimball) I think when you look at these, you  
2 can see that there's a lot of scenic  
3 resources. And when you take something like  
4 the Diamond Ponds and Coleman, it's not that  
5 you can just see it from a particular  
6 viewpoint and do a KOP. There's actually a  
7 percentage of that lake if you were paddling  
8 around where the Project would be visible.  
9 This, as I mentioned earlier, is a way of  
10 trying to quantify to get a broader  
11 perspective of the impact of this project  
12 over its whole length as opposed to an  
13 individual point.

14 Q. So I'm going to assume that, based on your  
15 testimony as a whole, your opinion is that  
16 240 is a large number and represents an  
17 unreasonable impact; is that fair?

18 A. (Kimball) We think this is a contributing  
19 factor as to the reasons why. And if you  
20 take a look at, you know, some of the photo  
21 simulations and other data that have been  
22 presented by others and you put these  
23 together, yes.

24 Q. But this appendix itself is not meant to say

1           that each of the 240 resources identified  
2           will have an unreasonable adverse effect.

3    A.   (Kimball) No, it does not go in and do a  
4           scenic evaluation to take that into  
5           consideration. As I said, this is one of  
6           several tools that can be used to try to  
7           understand this.

8    Q.   And then Appendix 2 is, as I understand it, a  
9           list of resources that you contend DeWan &  
10          Associates missed in their analysis. And  
11          this, in contrast to Appendix 1, is limited  
12          to just the three-mile area outside of the  
13          Project?

14   A.   (Kimball) Yeah, this was -- we basically said  
15          let's just take a look. We don't agree with  
16          that three-mile, but that's what they used.  
17          Let's just take a look at that three-mile and  
18          see did they capture a lot of them, or were  
19          there a number of them missing that should  
20          have been in the list. And this was our way  
21          of sort of asking ourselves, you know, how  
22          good was this database that we were looking  
23          at.

24   Q.   And are these 82 -- I know it's been amended

1 in your testimony this morning, but are these  
2 82 also captured in your 240?

3 A. (Kimball) Yes, there is some carryover. And  
4 I would have to -- I should have pointed this  
5 out during the corrections. Because we have  
6 removed some of these here, it would change  
7 some of the numbers in the first appendix.

8 Q. Okay. And with regard to these, I guess what  
9 I'm trying to understand is how you  
10 determined these resources were not included  
11 in DeWan's review.

12 A. (Kimball) Well, some of them, for example,  
13 were conservation easements, and we went back  
14 and looked. And some of the lands here are  
15 agricultural easements, or they were rated as  
16 not having public access when we went back  
17 and took a look. Like some of the  
18 agricultural lands have snowmobile trails  
19 across them, so obviously you're getting  
20 public access during part of the year. So  
21 those were some of the reasons why there's  
22 differences.

23 As I pointed out, they were using the  
24 list of public waters in the state of New

1 Hampshire. So resources like Phillips Brook  
2 were left out which should not have been left  
3 out. So I'm just giving those as a few  
4 examples of where we differ with them.

5 Q. Is it your position that these resources  
6 you've identified in Appendix 2 were not  
7 identified at all by DeWan & Associates or  
8 were not evaluated further?

9 A. (Kimball) Well, there's an interesting  
10 combination that happens. In some cases you  
11 have conservation easements that came in  
12 under, I think it was the Amy Family -- I  
13 could check my records here to see if this is  
14 the right example -- where one member of the  
15 family gave a conservation easement and then  
16 later another member of the family gave a  
17 conservation easement. They were held by  
18 different entities, and it's a question of  
19 whether you treat those as two because there  
20 are actually two separate legal transactions,  
21 or you treat them as one and the same. They  
22 tended to homogenize these. We looked at  
23 them and separated them out because they are  
24 two separate easements.

1 Q. Okay. But you're not -- this list is not  
2 meant to represent, if I understand  
3 correctly, resources that were identified by  
4 DeWan but then pushed aside or filtered out.

5 A. (Kimball) No, these were not like all of the  
6 resources that they ranked as low cultural.  
7 They pushed them out of the analysis. These  
8 were just simply resources we looked -- we  
9 did not do any ranking or rating of them.

10 Q. And you've reduced the total number down here  
11 to 50. Is there a list of what these 50  
12 resources are?

13 A. (Kimball) Yeah, I could go through those.  
14 There's a number, for example, of the  
15 historic sites where I did ask our GIS  
16 person, who's not here today, to go back and  
17 take a look. And I asked her to take a look.  
18 And if the scenic -- if the historic site was  
19 located where you could look at it from a  
20 road, we considered it to have public access.  
21 I know there's a lot of debate here as to  
22 whether or not that constitutes legal access  
23 or not. But we do know that Mr. DeWan, in  
24 his report for the -- in his publication for

1 the State of Maine did consider it in that  
2 case. And we considered it here, that a  
3 historic site, if you can look at it from a  
4 public point, it is visible. I did ask our  
5 GIS person, for example, to go back and look  
6 at these sites. And if you were looking from  
7 a public viewpoint such as a road, add a  
8 historic building as a quick example, and the  
9 power line was behind it, we kept it in the  
10 list. If it turned out that it was showing  
11 up in the visibility maps, but the power line  
12 was to the back of the person, we went back  
13 and purged those out. So there's a number of  
14 those that we purged out for that reason,  
15 because the context of that building would  
16 actually be whether the power line was behind  
17 it or to the viewer, from the public access  
18 point, was to the back.

19 Q. Thank you.

20 And you're referencing historic  
21 resources. Does your analysis here of  
22 resources that were missed include cultural  
23 landscapes?

24 A. (Kimball) It does not. We're still waiting

1 as to where the DHR is on that.

2 Q. Okay.

3 MR. ASLIN: Thank you. I have  
4 no further questions.

5 CHAIRMAN HONIGBERG: The next  
6 couple groups on my list don't appear to be in  
7 the room right now. Ms. Boepple.

8 MS. BOEPPLE: Yes.

9 CROSS-EXAMINATION

10 BY MS. BOEPPLE:

11 Q. Good morning.

12 A. (Panel) Good morning.

13 Q. Beth Boepple for the Society -- for the  
14 Forest Society. Just a few questions.

15 So I believe in your testimony, Ken  
16 Kimball, you testified that you participated  
17 in both the Granite Reliability Project and  
18 the Antrim Wind Energy Project, and you also  
19 participated in the SEC Rulemaking process;  
20 is that correct?

21 A. (Kimball) That is correct.

22 Q. And in participating in those cases, and in  
23 the rulemaking process, have you been  
24 specifically involved in the interpretation

1 of the new SEC rules?

2 A. (Kimball) Well, obviously the final  
3 interpretation is made by the SEC, not by me.  
4 But there was a lot of debate about those.  
5 Dr. Publicover on our staff, actually, was  
6 the chair of the subcommittee for aesthetics,  
7 which Mr. DeWan and Mr. Needleman were  
8 involved in. And in a number of those  
9 elements that we had put forth during that we  
10 drew from like the U.S. Forest Service Manual  
11 and so forth. We didn't try to create  
12 something new. We went back and looked at  
13 the standard manuals and made those  
14 recommendations to the SEC.

15 Q. And so did you also hear the testimony and  
16 read the testimony that was provided  
17 specifically in these hearings by Mr. DeWan  
18 and Ms. Kimball related to their  
19 interpretation of the rules?

20 A. (Kimball) Yes, I have.

21 Q. Okay. And just in general, do you agree with  
22 their interpretation of the rules?

23 MR. NEEDLEMAN: Objection. This  
24 is calling for a rehash and general testimony.



1                   And I'd also note that AMC  
2                   says in its testimony that it meant to  
3                   supplement the Visual Impact Analysis done by  
4                   Harry Dodson. Mr. Dodson is a jointly  
5                   sponsored witness between AMC and SPNF. And  
6                   so this is really, in this context, truly the  
7                   definition of "friendly" cross-examination.

8                   CHAIRMAN HONIGBERG: Ms.  
9                   Boepple.

10                   MS. BOEPPLE: So I'm trying to  
11                   explore some of the testimony that was provided  
12                   during Mr. DeWan's and Ms. Kimball's testimony  
13                   and get input from Mr. Kimball on that. This  
14                   is not in the nature of rehashing anything that  
15                   was in the testimony at all.

16                   CHAIRMAN HONIGBERG: I believe  
17                   the pending question was: Do you agree with  
18                   the interpretation of the rules? Did I  
19                   remember the question correctly?

20                   MS. BOEPPLE: That's correct.

21                   CHAIRMAN HONIGBERG: Why is that  
22                   relevant?

23                   MS. BOEPPLE: It's relevant  
24                   because Mr. DeWan has offered an opinion of the

1 rules in his testimony, that he's offering --  
2 and I want to get to some of the specific  
3 interpretations that he has made of those rules  
4 and offered that to the Subcommittee as the way  
5 you should be looking at it.

6 CHAIRMAN HONIGBERG: We have  
7 that in their testimony. It's throughout their  
8 testimony, the explanation of how their  
9 analysis complies with the rules and how  
10 DeWan's does not. What else do you want to do  
11 based on something that's new from DeWan,  
12 testified here or something new that was in the  
13 supplemental?

14 MS. BOEPPLE: So what I am  
15 trying to solicit here is information  
16 particular to the public right of access issue.  
17 We heard a lot during Mr. DeWan's testimony  
18 that their clear interpretation of that is that  
19 the public must be able to actually enter upon  
20 the land. And I don't believe that we've  
21 covered that kind of detail in the testimony.  
22 And that only came out during Mr. DeWan's  
23 testimony.

24 CHAIRMAN HONIGBERG: And their

1 opinion of whether DeWan is right is  
2 irrelevant.

3 MS. BOEPPLE: That's correct.

4 CHAIRMAN HONIGBERG: It's  
5 irrelevant.

6 MS. BOEPPLE: No, it's --

7 CHAIRMAN HONIGBERG: Their  
8 opinion about whether DeWan is right about his  
9 interpretation of the rules is irrelevant.  
10 We'll decide what the rules say and require.

11 MS. BOEPPLE: I understand that.  
12 I understand that. What I'm seeking is if they  
13 have an opinion on it, what is the basis of  
14 that, and has that contributed in their  
15 involvement when the SEC rules were created.  
16 That is relevant to how the SEC now looks at  
17 those rules and interprets them.

18 CHAIRMAN HONIGBERG: All right.  
19 I'm going to sustain the objection to the  
20 question that you asked. You may be able to  
21 ask some questions that go to what you just  
22 talked about, but it's got to be tied to  
23 something that DeWan testified to here or is  
24 new information in the supplemental testimony.

1 MS. BOEPPLE: I understand.

2 BY MS. BOEPPLE:

3 Q. In listening to Mr. DeWan's testimony, did  
4 you hear specific testimony with respect to  
5 elimination of properties because the public  
6 could not actually enter upon them? Did you  
7 hear that testimony?

8 A. (Kimball) Yes.

9 Q. Okay. And in your review of properties and  
10 listening to that testimony, did you agree  
11 that that is a correct interpretation?

12 MR. NEEDLEMAN: Objection.  
13 First of all, it's now calling for legal  
14 interpretation. But more importantly, this was  
15 an issue that could have and was the subject of  
16 their testimony. We specifically went through  
17 "public access" at the technical sessions with  
18 these witnesses.

19 CHAIRMAN HONIGBERG: Sustained.

20 MS. BOEPPLE: I have no further  
21 questions.

22 CHAIRMAN HONIGBERG: Mr. Baker.

23 CROSS-EXAMINATION

24 BY MR. BAKER:

1 Q. Good morning, gentlemen.

2 A. (Panel) Good morning.

3 Q. I represent four individual landowners who  
4 have properties in the North Country and Coos  
5 County.

6 During the course of the presentation of  
7 the Applicant's case, we've had testimony  
8 from witnesses who have talked about  
9 mitigation, and I'd like to just quickly  
10 address to you this question based on their  
11 previous responses on ideas of how this  
12 project could be mitigated if it was  
13 permitted and built. And specifically, I'd  
14 like to know if you're familiar with the  
15 Applicant's Project plans for construction of  
16 transmission towers in Pittsburg, from the  
17 Halls Stream River crossing to the  
18 Connecticut River crossing. Are you familiar  
19 with that area? Have you visited it?

20 A. (Kimball) Yes, we visited the area. And  
21 Mr. Garland has, in particular.

22 A. (Garland) I have.

23 Q. The testimony of the Applicant and what's  
24 shown on the project maps is that the

1 Applicant owns the land on which these  
2 transmission towers are proposed to be built.

3 What specific mitigation could be  
4 conducted there if these towers were  
5 permitted to the built, in your opinion?

6 MR. NEEDLEMAN: Objection. This  
7 is calling for an expansion of the testimony.  
8 These witnesses already discussed mitigation  
9 and their views of that in the testimony, and  
10 this is nothing new.

11 CHAIRMAN HONIGBERG: Mr. Baker.

12 MR. BAKER: I asked Ms. Widdell  
13 that question. She gave a response, which I  
14 believe was her honest response, but I think it  
15 was something that I should be permitted --

16 CHAIRMAN HONIGBERG: So there's  
17 something that Ms. Widell said that you'd like  
18 these gentlemen to respond to.

19 MR. BAKER: Yes.

20 CHAIRMAN HONIGBERG: Why don't  
21 we see what Ms. Widdell said.

22 MR. BAKER: I don't have that in  
23 front of me. She did answer --

24 CHAIRMAN HONIGBERG: Why don't

1           you represent what Ms. Widell said and assume  
2           that she said it and then we can get a reaction  
3           to it.

4                       MR. BAKER: I believe Ms. Widell  
5           said that the towers that are proposed to be  
6           built could be shortened. She also talked  
7           about the trees that are in that area that  
8           would screen the transmission towers. That's  
9           my belief of what she said.

10                      CHAIRMAN HONIGBERG: Assuming  
11           that's what she said, which doesn't sound like  
12           something Ms. Widdell would have said, 'cause  
13           that doesn't sound like it would have been her  
14           area of expertise, but assuming she said it,  
15           what question do you have for these gentlemen  
16           about it?

17                      MR. BAKER: What could be done  
18           in that area in Pittsburg where these  
19           transmission towers are proposed to be built to  
20           mitigate the visual impact that would be  
21           presented by the construction of these towers?

22                      MR. NEEDLEMAN: Same objection.  
23           If Ms. Widell said that, and I don't believe  
24           she did, but if she did, it would have been

1 with respect to I think an historic resource.

2 CHAIRMAN HONIGBERG: Yeah,  
3 that's what she was testifying about.

4 MR. BAKER: Oh, that's my -- I  
5 am mixing up witnesses. I apologize.

6 CHAIRMAN HONIGBERG: Who are we  
7 thinking of then?

8 MR. BAKER: We are thinking, I  
9 believe, of the -- no, it was Ms. Widell. We  
10 were talking about the Indian Stream Republic,  
11 which is in Pittsburg. And she was asked  
12 specifically what could be done to mitigate the  
13 impact of these transmission towers on the  
14 Indian Stream Republic, I believe. It's my  
15 fault. I do admit that I should have brought  
16 that up with me.

17 CHAIRMAN HONIGBERG: All right.  
18 So, assuming she said that there's some  
19 mitigation that could be done using trees, what  
20 is it you want to know from them?

21 MR. BAKER: I want to know if  
22 they have any further thoughts on what could be  
23 done beyond what Ms. Widell said.

24 MR. NEEDLEMAN: Same objection.



1                   CHAIRMAN HONIGBERG: Yeah, I'll  
2 allow them to answer. We're pretty far afield,  
3 but go ahead.

4   A.   (Kimball) I don't have in front of me the  
5 exact proposed tower heights. But if it's  
6 like the picture in front of us, it would be  
7 very difficult in this scenario to screen it  
8 with trees.

9   BY MR. BAKER:

10   Q.   Where the Applicant owns the land on which  
11 the towers are proposed to be built, could a  
12 condition be set by this Committee that no  
13 further tree cutting be done within a certain  
14 distance from the towers be required of the  
15 Applicant?

16                   MR. NEEDLEMAN: Same objection.

17                   CHAIRMAN HONIGBERG: Oh, there's  
18 other objections to that, too. Sustained.  
19 This isn't what these guys are here to testify  
20 about, what the Committee's -- the scope of  
21 Committee conditions regarding private tree  
22 cutting. I think that's where you're going --

23                   MR. BAKER: You're sustaining  
24 the objection. I understand.

1 CHAIRMAN HONIGBERG: Yeah, on  
2 any number of grounds, starting with relevance,  
3 legal conclusion, new opinion. Take your pick.

4 MR. BAKER: I understand.

5 BY MR. BAKER:

6 Q. North Country Council. Mr. Thayer, you were  
7 on the North Country Council, I believe,  
8 according to your resume, from 2010 to the --  
9 is it to the present or to the time you filed  
10 your prefiled testimony?

11 A. (Thayer) 2016 I went off the board. Yeah, in  
12 October.

13 Q. Were you on the board when the North Country  
14 Council voted to object to the Northern Pass?

15 A. (Thayer) I was on the board when the board  
16 voted. As my prefile or maybe supplemental  
17 noted, I did not attend the exact meeting,  
18 but I was at board meetings in the lead-up to  
19 those discussions of the final vote.

20 MR. BAKER: The purpose of this  
21 testimony, Mr. Chair, is simply to authenticate  
22 a previous exhibit that was introduced by the  
23 Clarksville Stewartstown Group, CS 101.

24 BY MR. BAKER:

1 Q. Mr. Thayer, can you identify what's on the  
2 screen in front of you as CS 101 is a true  
3 copy of the resolution of the North Country  
4 Council Board of Directors?

5 A. (Thayer) Yes.

6 Q. And as far as you know, has the position of  
7 the North Country Council on this matter  
8 changed since it adopted this resolution in  
9 2011?

10 A. (Thayer) No.

11 MR. BAKER: I have no further  
12 questions.

13 CHAIRMAN HONIGBERG: Mr. Cote.

14 CROSS-EXAMINATION

15 BY MR. COTE:

16 Q. I'm over here. Bob Cote with the Deerfield  
17 Abutters, and I just have one question.

18 In general, would you agree that  
19 minimizing or mitigating visual impacts in an  
20 area where there's a high degree of  
21 conservation easement land, should that be a  
22 priority do you think?

23 A. (Kimball) Yes.

24 Q. Okay. Thank you.

1 CHAIRMAN HONIGBERG: Ms. Draper.

2 CROSS-EXAMINATION

3 BY MS. DRAPER:

4 Q. Good morning.

5 A. (Panel) Good morning.

6 Q. I'm Gretchen Draper, and I represent part of  
7 the Pemigewasset River Local Advisory  
8 Committee. And my first questions are for  
9 Dr. Thayer.

10 A. (Thayer) That's Mr. Thayer.

11 Q. Mr. Thayer.

12 A. (Thayer) No Ph.D.

13 Q. Thank you.

14 You had mentioned in your testimony how  
15 you meet with tourists regularly and talk  
16 with people about their impressions of the  
17 North Country. Have visitors been asking you  
18 about Northern Pass when they've been coming  
19 recently?

20 A. (Thayer) Over the past several years I would  
21 say I've gotten questions, but it's not  
22 consistent. More often than not, they're  
23 coming because they're drawn by the scenic  
24 vistas. That's their --

1 Q. So they're not speaking of their concerns  
2 or -- would you say that that's partly  
3 because they're not aware of what's happening  
4 or --

5 A. (Thayer) I would say that's partly because  
6 they're not aware of it, based on where the  
7 visitor is coming from, from southern New  
8 England predominantly. Southern New  
9 Hampshire, but really southern New England.  
10 And I think also just by the nature of their  
11 arrival, they're awestruck with what's  
12 surrounding them on their drive.

13 Q. Okay. When did you first hear about the  
14 Northern Pass Project?

15 A. (Thayer) I first heard about the Northern  
16 Pass Project from our former beloved  
17 Executive Councilor Raymond Burton. He  
18 pulled me aside after he'd had a private  
19 meeting. This goes back over seven years  
20 ago. And we had occasion to spend time  
21 together and update each other on things in  
22 the North Country that the AMC was working on  
23 and how he could be helpful or how he wanted  
24 to share his opinion about those things, as

1 the councilor often did.

2 Q. Oh, thank you. And so then you have been  
3 moving on with the different organizations,  
4 and I'm sure Northern Pass comes up  
5 regularly.

6 Did the Applicant come and present to  
7 any of these organizations that were  
8 particularly interested in tourism?

9 A. (Thayer) No, not to my knowledge.

10 Q. No. Okay. And now I'd like to talk a little  
11 bit of -- I want to follow up on what  
12 Attorney Aslin was talking about with public  
13 interest and public comments. And I just  
14 have a question. Is it your understanding  
15 that "in the public interest" is now a legal  
16 requirement for the SEC process? Is that  
17 true?

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

20 CHAIRMAN HONIGBERG: Ms. Draper.

21 MS. DRAPER: I guess I just  
22 wanted -- okay. I just wondered what their  
23 opinion is of how important "in the public  
24 interest" is to this process, and I will say no

1 legal part.

2 CHAIRMAN HONIGBERG: Yeah, the  
3 statute provides what the SEC requirements are  
4 and what standard they need to meet. It's laid  
5 out in the statute, and "public interest" is in  
6 there.

7 MS. DRAPER: Is in there. All  
8 right.

9 BY MS. DRAPER:

10 Q. Then my next question would be how important  
11 are public comments part of that "in the  
12 public interest"? Do you see that?

13 MR. NEEDLEMAN: Same objection.

14 CHAIRMAN HONIGBERG: That's also  
15 in the statute, Ms. Draper. What is it you  
16 want to know from them?

17 MS. DRAPER: I guess I just want  
18 to know how important -- so these folks get  
19 public comments all the time. We all do. I  
20 want to know what the weight of the public  
21 comments are going to be. I also know we have  
22 questions in this proceedings about what "in  
23 the public interest" really means.

24 CHAIRMAN HONIGBERG: And all of

1           those questions are legal questions that are  
2           going to get -- that are being litigated in  
3           this entire process. There's nothing these  
4           witnesses can give you that would be relevant  
5           to that.

6                           MS. DRAPER: All right. Fine.

7 BY MS. DRAPER:

8 Q. I guess my last question, then, is about --  
9     and Dr. Kimball, maybe this is for you. I'm  
10    wondering what research the AMC does on the  
11    value of natural places in nature as sort of  
12    a stress -- in relationship to stress in  
13    today's world.

14                          MR. NEEDLEMAN: Objection.  
15    Relevance.

16                          MS. DRAPER: I talked with Mr.  
17    DeWan about this same question.

18                          CHAIRMAN HONIGBERG: Yeah, I'm  
19    going to let him answer.

20                          MS. DRAPER: Thank you.

21 A. (Kimball) I mean, the short answer is there  
22    is a body of evidence out there that says  
23    being able to go to natural places is  
24    actually conducive to better health.



1 Q. Right. And does the --

2 A. (Kimball) We encourage that as an  
3 organization in a big way.

4 Q. So the AMC, then, you know, recognizes that  
5 as important research?

6 A. (Kimball) I would say it's more than we  
7 recognize it. We put a lot of effort into  
8 land protection efforts across Greater New  
9 England. We were one of the lead  
10 organizations in the northern forest effort  
11 and so on and so forth.

12 Q. And Mr. Thayer, do you agree with that from  
13 the tourism point of view?

14 A. (Thayer) Yes, I agree with that.

15 MS. DRAPER: All right. Thank  
16 you. I have no further questions.

17 CHAIRMAN HONIGBERG: All right.  
18 Are there any intervenor groups we've skipped  
19 over who have questions?

20 [No verbal response]

21 CHAIRMAN HONIGBERG: Mr.  
22 Needleman. Oh, off the record.

23 (Discussion off the record.)

24 CHAIRMAN HONIGBERG: Back on the

1 record. Rather than Mr. Needleman, we're going  
2 to take a ten-minute break and then Mr.  
3 Needleman.

4 (Recess was taken at 10:44 a.m.  
5 and the hearing resumed at 10:58 a.m.)

6 CHAIRMAN HONIGBERG: Whenever  
7 you're ready, Mr. Needleman.

8 MR. NEEDLEMAN: Thank you.

9 CROSS-EXAMINATION

10 BY MR. NEEDLEMAN:

11 Q. Good morning, gentlemen. I'm Barry  
12 Needleman. I represent the Applicant in this  
13 matter.

14 Mr. Thayer, I think I want to start with  
15 your testimony, and then I'll move on to Dr.  
16 Kimball and Mr. Garland.

17 Do you have your prefiled testimony in  
18 front of you?

19 A. (Thayer) I do.

20 Q. So, on Page 4, Lines 2 through 4, I just want  
21 to capture your key opinions here. You say  
22 you conclude that visitors will experience  
23 unreasonable adverse effects on their  
24 aesthetic enjoyment of New Hampshire's

1 landscape from impacts of the Project.

2 And then on Page 10, Lines 9 through 11,  
3 you say, "I submit that the construction of  
4 Northern Pass as proposed will be detrimental  
5 to the scenic landscape of our region and  
6 will adversely affect our regional tourism  
7 economy." Is that right?

8 A. (Thayer) Yes.

9 Q. Now, Mr. Thayer, am I correct that you  
10 participated in the creation of two videos  
11 about the Northern Pass Project, and you  
12 appeared in one of those videos?

13 A. (Thayer) That's correct. I believe my son  
14 was the main star.

15 Q. I was going to ask you that. He was in those  
16 as well. The first one I think was done in  
17 2014, and the second video was in 2015; is  
18 that right?

19 A. (Thayer) That sounds correct.

20 Q. And the 2014 video included the message,  
21 quote, "Why trash the outdoors for hungry  
22 energy markets elsewhere." Does that sound  
23 familiar?

24 A. (Thayer) Please repeat that?

1 Q. "Why trash the outdoors for hungry energy  
2 markets elsewhere." Do you remember the  
3 video saying that?

4 A. (Thayer) Yes, I do.

5 Q. And at the conclusion of the 2014 video,  
6 viewers are invited to follow a link and sign  
7 a petition to, quote, "Bury or stop Northern  
8 Pass," close quote. Does that sound right?

9 A. (Thayer) That sounds right.

10 Q. And in the 2015 video you stated, quote, "New  
11 Hampshire doesn't want to just serve as the  
12 extension cord," close quote. Does that  
13 sound right?

14 A. (Thayer) That sounds right.

15 Q. And in the 2015 video, it ended with the same  
16 message, quote, "Bury or stop Northern Pass";  
17 is that correct?

18 A. (Thayer) That's correct.

19 Q. And then in December of 2016, after both of  
20 these videos were created and disseminated,  
21 you filed your prefiled testimony in this  
22 matter; is that right?

23 A. (Thayer) Yes, that's the right timing.

24 Q. So in this case, then, you're not suggesting

1           that the opinions you offer in your testimony  
2           are actually objective; correct?

3    A.    (Thayer) I'm suggesting that the opinions in  
4           my testimony are formed around 28 years of  
5           spending time with guests and visitors.  
6           Obviously, I live in a region where there is  
7           quite a bit of opposition against the Project  
8           as currently proposed, including a community.  
9           But my testimony is grounded in the 28 years  
10          of time spent with guests and visitors, as  
11          well as being asked to represent AMC and  
12          serve as a public representative on  
13          additional boards and promotional efforts  
14          related to tourism.

15   Q.    Do you think it would be fair for somebody to  
16          conclude, looking at your roles in these  
17          videos, that maybe you approached your  
18          testimony with a predetermined outlook?

19   A.    (Thayer) I think it's hard in this case  
20          because I'm surrounded by community members  
21          and businesses and guests and visitors who  
22          have a certain sense about what they value in  
23          the North Country.

24   Q.    Now, I think you told me at a tech session

1           that you don't have any experience preparing  
2           visual impact assessments; is that right?

3       A.     (Thayer) That's correct.

4       Q.     So you're not familiar professionally with  
5           any of the typical methodologies that are  
6           used for VIAs; correct?

7       A.     (Thayer) No, not unlike my colleagues.

8       Q.     And you haven't done any work specifically  
9           related to understanding and quantifying  
10          visitor expectations generally regarding  
11          electric transmission lines in New Hampshire;  
12          is that right?

13      A.     (Thayer) No.  Largely because I've spent my  
14          time talking to visitors and guests directly  
15          about their perceptions of why they come to  
16          the state of New Hampshire, and the North  
17          Country specifically.

18      Q.     And you didn't do any specific work to  
19          quantify visitor expectations directly  
20          related to Northern Pass; is that right?

21      A.     (Thayer) I did not do any specific work.

22      Q.     On Page 102 -- or on Page 7, Line 4 of your  
23          prefiled testimony, you referred to a 2003  
24          study prepared for the New Hampshire Division

1 of Travel and Tourism Development; is that  
2 right?

3 A. (Thayer) That's correct.

4 Q. And on Lines 13 and 14, you cite it because  
5 it is a, quote, "third-party study  
6 commissioned by the state's tourism officials  
7 using actual visitor comments"; right?

8 A. (Thayer) Yes.

9 Q. And the study was relied on by the State of  
10 New Hampshire to advance its appeal to  
11 tourists and visitors; correct?

12 A. Correct.

13 Q. And on Page 7, Line 4, you state that Nichols  
14 Gilstrap, the entity that prepared the study,  
15 is one of the nation's leading tourism  
16 research and strategic planning firms;  
17 correct?

18 A. (Thayer) Yes, that's what they say.

19 Q. And the lead author of that report, Mitch  
20 Nichols, is in fact the tourism expert for  
21 Northern Pass in this case; is that right?

22 A. (Thayer) Yes.

23 Q. And in the report which you attached as  
24 Attachment B to your prefiled testimony,

1 Page 1 of that report refers to Dr.  
2 Fesenmaier's involvement with the development  
3 of that report. Do you recall that?

4 A. (Thayer) Yes.

5 Q. And the 2003 report notes, quote, "Dr.  
6 Fesenmaier is a well-known tourism image  
7 study expert and the director of the National  
8 Laboratory for Tourism and eCommerce at the  
9 University of Illinois at Urbana-Champaign";  
10 is that right?

11 A. (Thayer) Yes. He's based in the midwest.  
12 Correct.

13 Q. And at the tech session you told me that you  
14 weren't aware that Dr. Fesenmaier assisted  
15 with the Northern Pass report and assisted  
16 with the literature search in this case; is  
17 that correct?

18 A. (Thayer) I recall that.

19 Q. And on Page 7 of your testimony, Line 13 to  
20 15, you said, "Such third-party studies  
21 commissioned by the state's tourism officials  
22 using actual visitor comments... should be  
23 considered..." close quote; right?

24 A. (Thayer) Yeah.



1 Q. When you wrote your testimony, were you aware  
2 that Mr. Nichols also performed listening  
3 sessions in his more recent report, which  
4 included discussions and comments with actual  
5 visitors in the New Hampshire tourism  
6 industry.

7 A. (Thayer) I was not aware when I wrote that.

8 Q. And are you aware that on Page 30 -- well,  
9 have you reviewed the Nichols report and  
10 testimony since you wrote --

11 A. (Thayer) Yes, I have.

12 Q. So are you aware that on Page 30 Nichols  
13 said, quote, "A variety of key influencing  
14 factors have consistently been noted by  
15 representatives of Plymouth State University  
16 as impacting shifts in visitor demand. Large  
17 infrastructure projects like power lines have  
18 never been noted in these explanations." You  
19 didn't have that idea in mind when you wrote  
20 your testimony; is that correct?

21 A. (Thayer) Say again?

22 Q. You didn't have that concept in mind when you  
23 wrote your testimony since you didn't review  
24 the Nichols report; correct?

1 A. (Thayer) That's correct.

2 Q. And Nichols also said on the same page,  
3 quote, "Participants noted a mix of factors  
4 influencing visitor demand that were similar  
5 to those noted by the Plymouth State  
6 University. And again, power lines were not  
7 identified as a factor influencing past  
8 performance." You didn't consider that point  
9 either; is that correct?

10 A. (Thayer) That's correct. But my recall of  
11 Mitchell's testimony, both in rereading it  
12 and being here in person, was that the sample  
13 groups that he spoke to were somewhat small,  
14 and I'm not sure exactly representative of  
15 the entire breadth of the region, especially  
16 the region that the power line is proposed to  
17 go through.

18 Q. And you told me at the technical session that  
19 you reviewed the draft Environmental Impact  
20 Statement before filing your testimony; is  
21 that right?

22 A. (Thayer) Yes.

23 Q. Have you since had an opportunity to review  
24 the final Environmental Impact Statement?

1 A. (Thayer) I have not had the opportunity.

2 Q. Both the draft and the final discuss a  
3 concept called the "substitution effect." Do  
4 you remember us talking about that?

5 A. (Thayer) Yes.

6 Q. And you told me at that time at the tech  
7 session that you weren't familiar with the  
8 "substitution effect"; is that right?

9 A. (Thayer) That's correct.

10 Q. And the substitution effect essentially means  
11 that, as the result of some sort of a project  
12 or disruption in one area, tourists may  
13 simply move to another nearby area. That's  
14 generally how it was described in the EIS; is  
15 that correct?

16 A. (Thayer) Yes.

17 Q. And since you weren't aware of that concept,  
18 it's also true you didn't account for that in  
19 any way in the work you did here; is that  
20 right?

21 A. (Thayer) That's correct, because my work is  
22 based on just daily what I do, both for the  
23 AMC and in the region related to tourism.

24 Q. And I understand that when you went about

1           doing your work here, you weren't able to  
2           identify any examples anywhere of  
3           high-voltage transmission lines actually  
4           having an adverse effect on tourism; is that  
5           right?

6    A.    (Thayer) I'm not sure that's exactly correct.  
7           I know that there are existing transmission  
8           corridors that are in the area, and I think  
9           that the scale of this development is such  
10          that I'm not sure you can compare it right  
11          now with what's existing in the area.

12   Q.    Is there anyplace in your work, Mr. Thayer,  
13          where you specifically point to a  
14          high-voltage transmission line that was  
15          demonstrated to have an adverse effect on  
16          tourism?

17   A.    (Thayer) No, there's nothing in my work.

18   Q.    And there's also no reports or studies cited  
19          in your work that conclude that transmission  
20          lines have an adverse effect on tourism; is  
21          that right?

22   A.    (Thayer) No quantitative reports.  Correct.

23   Q.    And were you here when I cross-examined  
24          Counsel for the Public's tourism witnesses,

1 Mr. Kavet and Mr. Rockler?

2 A. (Thayer) I was not here.

3 Q. I assume, though, you've had an opportunity  
4 to look at that examination and the exhibits  
5 that were used?

6 A. (Thayer) I did review some of it.

7 Q. Good. So I want to put up an exhibit  
8 quickly. This Applicant's Exhibit 312 from  
9 that cross-examination. It's a series of  
10 photos. And we can go through a couple of  
11 them. But the point of these is that these  
12 are transmission lines that I showed to Mr.  
13 Kavet and Mr. Rockler which exist in  
14 well-recognized tourist areas. For example,  
15 this is one that was recently built in the  
16 Delaware Water Gap.

17 MR. NEEDLEMAN: And Dawn, if we  
18 could just go one or two more.

19 BY MR. NEEDLEMAN:

20 Q. This is one transmission infrastructure  
21 project in Washington State near a scenic  
22 vista.

23 MR. NEEDLEMAN: Maybe one more.

24 BY MR. NEEDLEMAN:

1 Q. This is in Alaska, south of Anchorage. I  
2 don't need to go through them all. But my  
3 question to you is: When you went about  
4 doing your work in this case and trying to  
5 gain an understanding of the impacts, if any,  
6 that transmission lines would have on  
7 tourism, did you consider these types of  
8 areas? Did you go and look at these other  
9 types of locations and try to determine  
10 whether they had impacts in places like this?

11 A. (Thayer) Well, I know in the case of the  
12 Delaware Water Gap, the AMC was an intervenor  
13 in that particular project because of its  
14 visual impacts. I have not been to the other  
15 sites. And no, I did not travel as part of  
16 my planning for this process. Little tough  
17 to do with the responsibilities that I have  
18 on a daily basis for my employer, as well as  
19 in the region.

20 Q. Sure. But travel wouldn't be necessary;  
21 right? These things are readily available on  
22 the Internet. And if this is something you  
23 wanted to do, it's certainly something you  
24 could have done from your desktop; correct?

1 A. (Thayer) That is true with the Worldwide Web.

2 Q. On Page 5, Line 12 of your testimony, you  
3 make reference to AMC's huts, lodges,  
4 shelters and campsites. Do you recall that?

5 A. (Thayer) Yes.

6 Q. And am I correct that the Project is not  
7 going to be visible from any of those places,  
8 the lodges, huts, shelters and campsites?

9 A. (Thayer) That is correct. Greenleaf Hut off  
10 of Mount Lafayette is not on the summit of  
11 Mount Lafayette. And of course, the  
12 Applicant has chosen to bury the line around  
13 the White Mountain National Forest, around  
14 and through.

15 Q. And I assume you've had the opportunity to  
16 review that underground portion of the route  
17 from Bethlehem to Bridgewater?

18 A. Yes.

19 Q. So you're aware that the underground design  
20 was chosen specifically to protect the views  
21 in and around the White Mountain National  
22 Forest; right?

23 A. (Thayer) I would, yes, my understanding was  
24 it was chosen to protect it. And of course,

1           that's one part of a larger tourism region.  
2           It's admittedly a large scenic resource in  
3           the region, the White Mountain Region. But I  
4           would argue, and am fairly certain that  
5           others would agree with me, that there are  
6           additional scenic resources farther north as  
7           well where burial is not currently proposed.

8    Q.    Certainly, though, to the extent that the  
9           Appalachian Mountain Club had concerns about  
10          the Project's impacts on its huts, lodges,  
11          shelters and campsites, that concern has been  
12          addressed; correct?

13   A.    (Thayer) As it relates to the Appalachian  
14          Mountain Club's delivery, yes.

15   Q.    On Page 13, Line 9 of your testimony, you  
16          also referred to impacts on recreational  
17          trails. Do you recall that?

18   A.    (Thayer) Yes.

19   Q.    And at the tech session I asked you what you  
20          were referring to, and you told me to the  
21          Cohos Trail, including sections off of Bell  
22          Hill Road and off of Woodland Heritage Trail  
23          in Stark. Do you remember that?

24   A.    (Thayer) Yes.



1 Q. And are you aware that there is existing  
2 transmission infrastructure present along the  
3 Cohos Trail?

4 A. (Thayer) Yes.

5 Q. You're aware that there's existing  
6 transmission infrastructure present at the  
7 section near the section off of Bell Hill  
8 Road?

9 A. (Thayer) Yes, and it's curved, formed below  
10 the tree canopy.

11 Q. And you're also aware that there's  
12 transmission infrastructure near the section  
13 of trail that you expressed concern about,  
14 the Woodland Heritage Trail in Stark?

15 A. (Thayer) Yes.

16 Q. And there's no place in any of your materials  
17 where you talk about or evaluate that  
18 existing transmission infrastructure on the  
19 trails; is that right?

20 A. (Thayer) That's correct. I did not do an  
21 exhaustive study.

22 Q. Thank you. I think now I want to turn to Dr.  
23 Kimball and Mr. Garland, if I could.

24 I think you said earlier that the

1           specific work that AMC performed here, or  
2           that you performed, was a critique of NPT's  
3           VIA, but you didn't conduct a full assessment  
4           yourself; is that right?

5   A.   (Kimball) That is correct.

6   Q.   I think at the tech session you told me you  
7           read through the DeWan VIA and asked yourself  
8           if there were missing elements and how the  
9           ranking systems worked. Does that sound  
10          familiar?

11  A.   (Kimball) That sounds familiar.

12  Q.   You did rely on DeWan's viewshed mapping;  
13          correct?

14  A.   (Kimball) Yes, we did.

15  Q.   And you didn't do any photo simulations  
16          yourself; is that right?

17  A.   (Kimball) We did not.

18  Q.   Now, earlier this morning when Mr. Aslin was  
19          questioning you, he asked you something akin  
20          to why didn't you do your own assessment.  
21          And I think, Dr. Kimball, you said that, in  
22          part, it was because you didn't have access  
23          to critical data; is that right?

24  A.   (Kimball) That is correct.

1 Q. Okay. And the critical data you were  
2 referring to is what's known as the "Intermap  
3 data"; is that right?

4 A. (Kimball) That is correct.

5 Q. And Intermap data is proprietary data  
6 regarding very detailed land information  
7 which is created by some third-party company;  
8 is that right?

9 A. (Kimball) That is correct. But we find it  
10 hard to participate in a process where you've  
11 got to pay to look at the data.

12 Q. And this third-party data is data that, in  
13 order for anyone to gain access to, they have  
14 to purchase a license for it; is that right?

15 A. (Kimball) That is correct.

16 Q. And Northern Pass and its consultants  
17 purchased licenses to get access to this  
18 data; is that correct?

19 A. (Kimball) Yes. There's different ways of  
20 negotiating those purchases. Correct.

21 Q. And that's actually what I want to ask you  
22 about.

23 MR. NEEDLEMAN: Dawn, can we put  
24 up Applicant's 441?

1 BY MR. NEEDLEMAN:

2 Q. So during the course of this proceeding, we  
3 went back and forth, and Appalachian Mountain  
4 Club expressed its frustration with Northern  
5 Pass about not being able to get access to  
6 this data. Do you recall that?

7 A. (Kimball) Correct.

8 Q. And eventually Northern Pass, in this letter  
9 that I sent to Attorney Plouffe, tried to  
10 bring closure to this issue and proposed  
11 three ways that the Appalachian Mountain Club  
12 might get access to the data. Do you recall  
13 that?

14 A. (Kimball) Yes, I do.

15 Q. And you mentioned this morning the third way,  
16 which is on the next page that I'll get to in  
17 a minute, but that would have been for you to  
18 purchase your own license for something like  
19 \$32,000; right?

20 A. (Kimball) That is correct.

21 Q. But the other two ways we offered to try to  
22 resolve this were: One, we would have given  
23 you a PDF of the data, which I understood was  
24 something that you didn't consider to be

1 sufficient; is that right?

2 A. (Kimball) That is correct.

3 Q. And we also specifically worked with  
4 Appalachian Mountain Club and Intermap and  
5 agreed that we could find a way to put you on  
6 our license so you could get full access to  
7 the data. And if you look at the next page,  
8 that would have only cost Appalachian  
9 Mountain Club \$7199; is that right?

10 A. (Kimball) We felt that it was unfair.

11 Q. Well, answer my question first. It would  
12 have only cost \$7199; correct?

13 A. (Kimball) That is correct.

14 Q. Okay. So, all things being equal, you could  
15 have had access to this third-party data if  
16 you chose to get it; is that right?

17 A. (Kimball) At a price.

18 Q. And that had nothing to do with Northern Pass  
19 not providing the data to you. You just  
20 decided not to spend the money to get it;  
21 correct?

22 A. (Kimball) We were uncomfortable setting a  
23 precedence to access data that is being  
24 submitted by the Applicant, that one had to

1 pay for it.

2 Q. Do you think there's anything anywhere that  
3 requires Northern Pass to provide you with  
4 this data at its own cost?

5 A. (Kimball) Could you repeat the question,  
6 please, again?

7 Q. Do you think there's any requirement anywhere  
8 in the SEC rules that requires Northern Pass  
9 to provide you with this data at Northern  
10 Pass's cost?

11 A. (Kimball) I think that's for the SEC to  
12 answer.

13 Q. Well, it may be, but I'm asking you if you  
14 think there is.

15 A. (Kimball) I think normally in a public  
16 process like this that there should be  
17 reasonable access to look at the data.  
18 Sometimes you may need to look at it in a  
19 confidential arena. But it's hard to assess  
20 the data without being able to look at it.  
21 And the Intermap data, for example, was used  
22 in part to determine vegetation heights, and  
23 we had difficulty trying to understand how  
24 they came up with their values without

1 looking at Intermap.

2 Q. Okay. Let me move on to a different topic.

3 With respect to the work you've done on  
4 VIAs in the past, it's my understanding that  
5 you've never actually prepared a visual  
6 impact assessment under the SEC rules; is  
7 that correct?

8 A. (Kimball) That is correct.

9 Q. And you don't have experience formally  
10 conducting VIAs, just informal ones for  
11 Appalachian Mountain Club; is that right?

12 A. (Kimball) Partially correct. We are not, and  
13 we've never tried to be VIA experts. But I  
14 think you've got to understand that when you  
15 do a visual impact assessment, one of the  
16 tools is to do the vegetative screening and  
17 topographic screening. We have a fair amount  
18 of experience in that arena.

19 Q. Am I correct that you have no experience  
20 preparing photo simulations?

21 A. (Kimball) That is correct.

22 Q. And neither you nor Mr. Garland has ever  
23 testified as an expert on aesthetics; is that  
24 right?

1 A. (Kimball) That is correct.

2 Q. Now, AMC and SPNF jointly sponsored a witness  
3 in this case, Mr. Dodson, whose specific role  
4 was to provide very detailed expert testimony  
5 on aesthetics analysis; is that correct?

6 A. (Kimball) That is correct.

7 Q. So, given that you offered Mr. Dodson as an  
8 expert witness on aesthetics, and given your  
9 own lack of expertise in aesthetics, what  
10 then is the purpose of this additional  
11 testimony that the two of you are offering?

12 A. (Kimball) We have put together a lot of  
13 ranking systems relative to prioritizing  
14 lands in the northern forests. We, I think,  
15 feel fairly comfortable when we look at how  
16 ranking systems are applied, whether they're  
17 biased in certain directions or whether  
18 there's absence of data, those types of  
19 things, we do feel like we have expertise to  
20 look at the data and to see how it's being  
21 used and whether there's bias in the data or  
22 whether we're really comfortable that the  
23 full data set was there. That's not an  
24 unusual kind of set of expertise that's just



1 limited to aesthetics.

2 Q. But these are all visual impact issues in  
3 this context. Did you not have faith in Mr.  
4 Dodson to analyze these correctly?

5 A. (Kimball) We were involved with Mr. Dodson to  
6 have him do an independent analysis of the  
7 parts where we did not have expertise.

8 Q. You, in the work you did here, on Page 5,  
9 Line 23 of your testimony, say that DeWan and  
10 Kimball -- that the VIA, quote, "contains  
11 errors and uses criteria contrary to those  
12 intended by the SEC rules." Remember that?

13 A. (Kimball) Yes.

14 Q. And your specific criticisms flow from that  
15 assertion. So what I want to do is spend a  
16 little bit of time focusing on those  
17 criticisms.

18 A. (Kimball) Yeah.

19 Q. With respect to cultural value ratings, you  
20 say on Page 7, Line 4 to 11, that DeWan's  
21 cultural value ratings are  
22 inconsistent with --

23 A. (Kimball) I'm sorry. Could you give me the  
24 lines again.

1 Q. Yeah, I'm sorry. It's Page 7, Lines 4 to 11.  
2 You said that DeWan's cultural value ratings  
3 are inconsistent with other similar rating  
4 systems; right?

5 A. (Kimball) Right.

6 Q. Now, you don't have experience doing --  
7 creating visual impact assessments that use  
8 other methodologies like the BLM, Corps of  
9 Engineers, Forest Service, DOT, things like  
10 that; is that correct?

11 A. (Kimball) We've read through those and we've  
12 seen other VIAs using them.

13 Q. So, other than your lay assessment of those,  
14 you don't have professional experience with  
15 those rating systems; fair to say?

16 A. (Kimball) You mean developing them?

17 Q. Developing them and using them in a  
18 professional context to prepare VIAs.

19 A. (Kimball) No.

20 Q. And on Line 8, you said the cultural value of  
21 a site to rank "high" under the DeWan VIA had  
22 to be, with few exceptions, of national  
23 significance -- i.e., a national forest,  
24 national scenic byway, national scenic trail

1 or the like; is that correct?

2 A. (Kimball) Correct.

3 Q. But in DeWan's VIA -- and it's on Page M8,  
4 and I can pull it up if we need to -- it  
5 actually provides that resources are  
6 designated with a high cultural value if they  
7 are, quote, "resources of national or state  
8 significance"; correct?

9 A. (Kimball) That is correct.

10 Q. So you'll have to forgive me. I was a little  
11 confused with some of the corrections you  
12 offered this morning. But do you now agree  
13 that in fact DeWan would look at both state  
14 and national resources and potentially rate  
15 them as high and not just limit it to the  
16 ones that you initially identified?

17 A. (Kimball) That's correct. But as I also  
18 pointed out this morning, for example, if  
19 it's a state-designated, it got a medium  
20 score; if it was national it got a high  
21 score.

22 Q. But there are a whole array of resources  
23 within DeWan's VIA that specifically focused  
24 on state resources and the cultural analysis

1 of them; correct?

2 A. (Kimball) That is correct. And as I pointed  
3 out this morning, his low cultural values  
4 tended not to correspond with others that  
5 we've seen, including some for your client.

6 Q. And in fact, it's true that your own expert,  
7 Mr. Dodson, also incorporated a cultural  
8 analysis into the work he did in this case;  
9 is that correct?

10 A. (Kimball) That is correct.

11 Q. Okay. Now, you did talk about these other  
12 VIAs, so I want to ask you about that for a  
13 minute. I just need to go grab my notes.

14 (Pause)

15 Q. During your direct testimony this morning,  
16 you talked a little bit about some of these  
17 other cases: Seacoast Reliability Project,  
18 Merrimack Valley Reliability Project and  
19 Antrim Wind. Do you recall that?

20 A. (Kimball) Yes.

21 Q. I was actually counsel in all three of those  
22 dockets and presented the visual witnesses,  
23 so I want to go back and ask you some  
24 questions about that.

1           Let's start with SRP. That's a case  
2           that's currently pending before the Site  
3           Evaluation Committee but actually hasn't gone  
4           through hearings yet; is that correct?

5   A.   (Kimball) I'll take your word for it.

6   Q.   And in SRP, you were focusing on the cultural  
7           values analysis that the visual impact  
8           assessor did in that case; right?

9   A.   (Kimball) Yes.

10   Q.   Do you know who the visual impact assessor is  
11          in SRP whose report you were referring to?

12   A.   (Kimball) It was LandWorks.

13   Q.   Yeah. And do you know who particularly at  
14          LandWorks did that?

15   A.   (Kimball) I believe it was Mr. Raphael.

16   Q.   It was David Raphael.

17                 And are you aware when you put up the  
18                 Antrim VIA, who did that VIA?

19   A.   (Kimball) Same person.

20   Q.   Yes. And are you aware that it was also Mr.  
21          Raphael who did that VIA?

22   A.   (Kimball) Yes.

23   Q.   And so are you aware of the fact that the  
24          cultural resource approaches in both VIAs are

1           actually the same?

2    A.   (Kimball) I had not -- that could be.

3    Q.   So when you made references to those VIAs  
4           earlier this morning, did you actually take  
5           the time to read through them completely and  
6           understand them in relation to the work that  
7           was done here, or did you just skim sections  
8           of them?

9    A.   (Kimball) I did not read them in great depth.

10   Q.   Do you understand that the review that the  
11          Applicant's expert did in the Antrim case and  
12          in the MVRP case with respect to the cultural  
13          resources was actually quite similar to the  
14          review Mr. DeWan did here?

15   A.   (Kimball) Yeah. I think the point we were  
16          making here is the rating of cultural values  
17          was quite different between those.

18   Q.   Well, the ratings were different because  
19          ratings are always different. But I'm  
20          talking about the methodology. I'm talking  
21          about a methodology that in part screened out  
22          resources by using cultural value. And that  
23          methodology was similar across all those  
24          cases. Did you discern that when you did

1           your brief review of those VIAs?

2       A.     (Kimball) It didn't -- if that's the case, it  
3           wasn't apparent when I looked at them.

4       Q.     And am I correct that when you went back to  
5           look at those VIAs, that's something you only  
6           chose to do recently; right?

7       A.     (Kimball) That is correct, based on the  
8           cross-exam.

9       Q.     So, certainly before you prepared your  
10           testimony in this case, both the initial  
11           testimony and your supplemental testimony,  
12           you made no effort to look at those other  
13           VIAs to inform your opinions here; is that  
14           right?

15      A.     (Kimball) That is correct.

16      Q.     And you also mentioned the bare earth  
17           analysis, and you made reference to Mr.  
18           Raphael's VIA. You also made reference to  
19           John Hecklau's VIA in MVRP. Do you recall  
20           that?

21      A.     (Kimball) Yes.

22      Q.     And I think what you did is you pointed out  
23           that both of them had a component of bare  
24           earth analysis as well; is that right?

1 A. (Kimball) That is correct.

2 Q. And what you were really saying is that both  
3 of them provided maps that showed visibility  
4 using bare earth; correct?

5 A. (Kimball) They showed the impacted area.  
6 Correct.

7 Q. And do you understand why they included those  
8 maps?

9 A. (Kimball) I can't get inside their head. But  
10 it is required. And some of that, if I  
11 recall correctly, was submitted. I'd have to  
12 go back and look at the actual dates because  
13 the new rules were kicking in.

14 Q. Yeah, that's essentially correct. The  
15 applications were filed, the new rules became  
16 effective, and so the applications were  
17 supplemented to include those maps.

18 A. (Kimball) Right.

19 Q. Does that sound right?

20 A. (Kimball) That sounds correct.

21 Q. Are you aware of the fact that neither Mr.  
22 Hecklau nor Mr. Raphael in those cases  
23 actually analyzed scenic resources using the  
24 bare earth approach?



1 A. (Kimball) The rules require that they be  
2 submitted.

3 Q. I'm not asking what the rules require. I'm  
4 asking you as a factual matter. Are you  
5 aware that neither of those experts actually  
6 reviewed scenic resources using the bare  
7 earth approach?

8 A. (Kimball) What I recall, and I'd have to go  
9 back and see which of those two, that they do  
10 have text which goes through and describes  
11 that the bare earth is a helpful tool in  
12 trying to understand some of the impacts that  
13 could go out into the future. Did they go  
14 into a level of detail? The answer is no.

15 Q. Correct. In fact, they supplemented their  
16 original VIAs by including those maps, but  
17 they didn't redo their analysis of the scenic  
18 resources in these VIAs; correct?

19 A. (Kimball) I'll take your word for that.

20 Q. In fact, if you look at those VIAs, you  
21 really couldn't identify a single scenic  
22 resource that either of them evaluated using  
23 the bare earth analysis; is that right?

24 A. (Kimball) I'm not sure that that's right.

1 I'd have to go back and look.

2 Q. But as you sit here today, you can't identify  
3 one resource; correct?

4 A. (Kimball) As I sit here today, that is  
5 correct.

6 Q. And while you were going back and doing your  
7 review of these other cases, did you take the  
8 opportunity to look at the work that the  
9 Counsel for the Public's visual expert did in  
10 the Antrim matter, Ms. Connolly?

11 A. (Kimball) I did not.

12 Q. And would it surprise you that Ms. Connolly  
13 focused on 14 critical resources for her  
14 evaluation in that case?

15 A. (Kimball) I'll take your word for it because  
16 I did not look at it, as I said before.

17 Q. Were you aware of the fact of those 14  
18 resources that Ms. Connolly looked at, none  
19 of those were bare earth resources?

20 A. (Kimball) I did not. As I say, if I didn't  
21 look at it, it's hard for me to contradict.

22 Q. I want to talk to you about the 82 resources  
23 that you identified here. And I tried  
24 quickly to look at the correction that you

1 provided to us this morning where you  
2 narrowed this list down to 50, and I'm sorry  
3 to say I wasn't able to harmonize the two.  
4 And so what I'm going to do is focus on the  
5 original 82, and as we walk through these, if  
6 you can identify for us which ones need to be  
7 removed based on the way I walk through this,  
8 that would be helpful; otherwise, we'll just  
9 figure it out a different way.

10 A. (Kimball) I can go right and read the list  
11 right off.

12 Q. Well, I think reading the list is not going  
13 to be a good use of our time. But let's  
14 approach it this way and see if we can  
15 harmonize our views here.

16 So, on Page 6, Line 13 of your  
17 testimony, you talk about these 82 resources.  
18 And then you have a table which is -- well, I  
19 think you provided a table with respect to  
20 those resources, or you identified them in  
21 the context of a data request. Does that  
22 sound familiar?

23 A. (Kimball) I'll take your word for it.

24 Q. And then as a consequence of that, DeWan took

1           your spreadsheet and in the supplemental  
2           testimony went through and analyzed those 82  
3           resources. Does that sound familiar to you?

4   A.   (Kimball) That is correct.

5   Q.   And that was Applicant's Exhibit 93, Table  
6           No. 3, where he did that analysis. And what  
7           I want to do is focus on that for a minute.

8                           MR. NEEDLEMAN: So, Dawn, if you  
9           could call that up.

10  BY MR. NEEDLEMAN:

11  Q.   And the issue here is that it was your  
12           initial contention that these are 82  
13           resources that DeWan failed to consider; is  
14           that right?

15  A.   (Kimball) That is correct.

16  Q.   I think if you look at Page 21 of this, this  
17           is DeWan's response to that.

18  A.   (Kimball) Wait a minute. Yeah.

19  Q.   So in the middle of the passage, you know, he  
20           has identified "in project VIA." And he  
21           listed a series of resources, and I think  
22           there are 11 of them which he actually shows  
23           were correctly identified and analyzed in the  
24           VIA. So this was initially a mistake on your

1 part. And I guess my question is: Is this  
2 one of the things you've now corrected?

3 A. (Kimball) Blood was. I do recognize the  
4 Blood one.

5 Q. I think, actually, what I'm going to do is  
6 suggest -- rather than us consume a lot of  
7 time going back and forth here, I'm going to  
8 walk through this, and then when we're all  
9 done, if there's some way that we could work  
10 together to clarify it to help the Committee,  
11 that would probably be a good idea.

12 A. (Kimball) Okay.

13 Q. But for now I'm going to rely on this  
14 document that DeWan put together. And he has  
15 citations showing where in his work he  
16 identified these 11 resources. And then  
17 underneath he also has another three that  
18 were also eligible historic sites that were  
19 included in his original VIA. Does that look  
20 familiar?

21 A. (Kimball) Yes, it does.

22 Q. Okay. So we've got 14 resources here that  
23 DeWan actually did evaluate, which means if  
24 you subtract 82 from 14 [sic], there would be

1           68 left on your list; is that right?

2       A.     (Kimball) I'll take your word for it.

3       Q.     Okay. And DeWan concludes with respect to  
4           those other 68 that, except for three of  
5           them, which he has addressed in his  
6           supplemental testimony, all of the rest are  
7           not scenic resources. And there are three  
8           reasons why he said that. He said there's  
9           either no public access, they don't qualify  
10          under the regulatory definition, or they  
11          weren't eligible for listing on the National  
12          Register. Does that sound familiar?

13      A.     (Kimball) Yes, and we don't agree with all of  
14          those.

15      Q.     And I want to go through those in a minute.  
16          But before I do, I have one other question.

17                 Mr. Garland, earlier on you said that  
18          Mr. DeWan missed certain critical resources,  
19          like Percy Peaks, for example. Do you recall  
20          saying that?

21      A.     (Garland) Yes, I do.

22      Q.     Did you take time to actually read the DeWan  
23          VIA?

24      A.     (Garland) I did.

1 Q. Because Percy Peaks was actually discussed in  
2 depth in that VIA on Pages 196 and 197.  
3 There's a specific analysis of it, and there  
4 actually is a photo taken from one of the  
5 Percy Peaks, looking at the other part of the  
6 analysis. Is that just something you missed?

7 A. (Garland) No, I saw that it was used as a  
8 context photo. It was not identified and  
9 evaluated as a scenic resource.

10 MR. NEEDLEMAN: Let's pull up  
11 Applicant's Bates No. 14424 and 14425.

12 MR. IACOPINO: What exhibits are  
13 these from?

14 MR. NEEDLEMAN: This is from the  
15 DeWan VIA, Exhibit 1, Appendix 17.

16 And I'm going to ask you,  
17 Dawn, to just highlight the first couple of  
18 paragraphs in that first column.

19 BY MR. NEEDLEMAN:

20 Q. So this is the DeWan analysis of the Nash  
21 Stream Forest, Cohos Trail as scenic  
22 resources. Do you see that?

23 A. (Garland) Yes.

24 Q. And do you see the description in here about,

1 specifically in the second paragraph,  
2 "notable mountain peaks in the forest include  
3 North and South Percy Peak," et cetera?

4 A. (Garland) Yes, I see that.

5 Q. And then they go on to talk about the  
6 recreational opportunities in this area. Do  
7 you see that?

8 A. (Garland) Yes, I do.

9 MR. NEEDLEMAN: Dawn, can you  
10 zoom that back out?

11 BY MR. NEEDLEMAN:

12 Q. And so this whole page and the following page  
13 are devoted to analyzing these resources, and  
14 the photograph at the bottom of the page is  
15 actually a photo that they took from  
16 one Percy Peak looking at the other Percy  
17 Peak; is that right?

18 A. (Garland) The view from South Percy facing  
19 north to North Percy, yes.

20 Q. So is it still your contention that they  
21 didn't look at this resource and evaluate it?

22 A. (Garland) I'm not saying they didn't look at  
23 it. I'm saying they didn't identify it as a  
24 scenic resource. And specifically when I was



1 referring to the vegetative models, the DSM,  
2 that bare rock you can see in the photo right  
3 there in front of you was not identified as  
4 bare earth or bedrock in the DSM. They  
5 missed it in the DSM.

6 Q. So, in other words, they didn't identify it  
7 as a scenic resource, but they did evaluate  
8 it.

9 A. (Garland) I don't know that they did evaluate  
10 it.

11 Q. Okay. Well, the evaluation is right here and  
12 we can let the record speak for itself.

13 A. (Garland) I don't see -- I see a picture. I  
14 don't see an evaluation.

15 Q. Okay. So let's go on, then, Dr. Kimball,  
16 back to the list of 82 which we boiled down  
17 to 68. In that list --

18 MR. NEEDLEMAN: Dawn, I'm going  
19 to ask you to go back there for a minute.

20 MR. IACOPINO: Can we get that  
21 exhibit number, too?

22 MR. NEEDLEMAN: Sure. It's  
23 Applicant's Exhibit 93, Table 3, and I think it  
24 begins at 53817 Bates Stamp.

1 BY MR. NEEDLEMAN:

2 Q. So part of what Mr. DeWan did when he went  
3 back to look at your list of resources was to  
4 focus on resources with respect to -- that  
5 were identified as historic resources on your  
6 list. Do you recall that?

7 A. (Kimball) Yes.

8 Q. And you allege that DeWan missed a number of  
9 sites that were eligible for listing; is that  
10 right?

11 A. (Kimball) Yes.

12 Q. And you didn't provide any documentation  
13 showing that these sites had actually been  
14 determined as eligible; is that right?

15 A. (Kimball) That is correct.

16 Q. And if we look at Pages 22 and then over to  
17 23, DeWan begins by going through each one of  
18 these sites. Do you see that?

19 A. (Kimball) Yup.

20 Q. And with respect to all of these sites, DHR  
21 actually looked at all 34 of them and  
22 concluded that they didn't require further  
23 assessment. Were you aware of that?

24 A. (Kimball) Yes. But you're leaving off the

1 last part of the sentence, which is, "per the  
2 survey in a Section 106 process," which is  
3 different than this process.

4 Q. All right. But with respect to these  
5 resources you identified, we all agree that  
6 DHR looked at them and concluded that they  
7 didn't need further assessment; right?

8 A. (Kimball) I believe what the statement here  
9 says they concluded it did not need a further  
10 survey for the Section 106 process --

11 Q. And where in --

12 A. (Kimball) -- which is a different definition  
13 than historic sites in the SEC rules.

14 Q. And given that that's your contention, where  
15 in the material you provided here is any  
16 analysis of your view about the difference  
17 between the processes and why, despite DHR's  
18 statement here, you still think that these  
19 are scenic resources that need to be  
20 evaluated? Did you provide that?

21 A. (Kimball) We believe that they met the  
22 definition of "historic sites" within the  
23 Section 106 rules.

24 Q. Did you provide that analysis anywhere in any

1 of your materials?

2 A. (Kimball) Well, I think that you can see as  
3 you go down, most of these have been on a  
4 state list because they've been coded as  
5 green, blue, red, et cetera.

6 Q. Not my question. My question is: Did you  
7 provide the analysis you were just describing  
8 in any of your written materials?

9 A. (Kimball) Could you please re-describe what  
10 you mean by "analysis"?

11 Q. Yes. DHR has indicated that these didn't  
12 require further assessment. You're saying  
13 that's only in the context of the 106  
14 process. You seem to be suggesting that they  
15 still need to be looked at, at the state  
16 level. I'm interested in knowing is there  
17 any analysis anywhere in the materials you  
18 provided that explains that difference and  
19 indicates why you still think these should be  
20 scenic resources?

21 A. (Kimball) Because the DHR process and where  
22 they've been working up to this point, at  
23 least from the way I understand it, was  
24 looking out only part of the distance. The

1 rules say that you should look at historic  
2 sites out to 10 miles.

3 Q. Where in your materials, what page and which  
4 document do you talk about this?

5 A. (Kimball) I don't think that we described  
6 that.

7 Q. And as part of this analysis, did you factor  
8 in the memo that DHR has prepared which  
9 offers their discussion and interpretation of  
10 how historic resources should be addressed in  
11 the SEC context?

12 A. (Kimball) I guess I'd have to ask to see it  
13 first.

14 Q. Well, I'm asking if you recall seeing it and  
15 considering it in the work you did.

16 A. (Kimball) No.

17 Q. And let me talk about public accessibility  
18 for a minute.

19 You're aware that the SEC definition of  
20 "scenic resources" requires that they be  
21 publicly accessible; is that right?

22 A. (Kimball) That is correct.

23 Q. And at the tech session, you agreed that if  
24 something wasn't publicly accessible, it

1           should be screened out from this kind of  
2           analysis; is that right?

3    A.   (Kimball) The way that the rules state it,  
4           yes.

5    Q.   And at the tech session, when I asked about  
6           you about your 82 resources, you told me that  
7           you didn't do any analysis of the 82 for  
8           public accessibility; is that right?

9    A.   (Kimball) If that's what I said, that's --  
10           I'm sorry. Go back and ask the question  
11           again. I'm confusing two things in my mind.

12   Q.   Sure. I asked you about this at the tech  
13           session, and you told me that when you went  
14           about doing your work here, you did no  
15           analysis to determine if these 82 resources  
16           were publicly accessible; is that right?

17   A.   (Kimball) We asked whether they would  
18           potentially be visible from a road, which we  
19           believe to be the public access. Obviously,  
20           there's a difference of opinion as to whether  
21           that qualifies or not.

22   Q.   Right. But you didn't actually determine  
23           whether each of these resources were publicly  
24           accessible; is that right?

1 A. (Kimball) Actually, we did. And one of them  
2 that we deleted, I believe it was a cabin  
3 that was on its own road and not publicly  
4 viewable from a public road, if I recall  
5 correctly.

6 Q. So, where in the written work you did here is  
7 the assessment of which of these are publicly  
8 accessible and why?

9 A. (Kimball) I did have our GIS person who  
10 actually did this work go back and ask, you  
11 know, based on the maps and whether you were  
12 on a road, whether the potential was there to  
13 see it, and she used Google Earth as a  
14 screen.

15 Q. Is it in your written testimony or any  
16 written reports you prepared here?

17 A. (Kimball) No, it's not.

18 Q. And in fact, Mr. DeWan looked at this list  
19 and found that 28 of the resources weren't  
20 publicly accessible; is that right?

21 A. (Kimball) Based on his definition of  
22 "publicly accessible."

23 Q. And you continued to maintain, the way others  
24 have, that "public accessibility" in this

1 context does not mean that the resource  
2 itself is public, but if you can stand  
3 somewhere public and look at the resource,  
4 that's good enough for the SEC definition.

5 A. (Kimball) Yes. And as I say, in Mr. DeWan's  
6 manual in Maine, he sort of takes the same  
7 position.

8 Q. And that would be under -- well, I don't have  
9 that in front of me. But that would be with  
10 respect to Maine law and not New Hampshire  
11 law; correct?

12 A. (Kimball) Actually, his report there, which  
13 we used as an earlier exhibit, is not about  
14 Maine law. It was -- he was writing a plan  
15 for the State of Maine, and he defined  
16 "public access" in those terms.

17 Q. So is it your contention that Mr. DeWan  
18 agrees with your interpretation of "public  
19 access" with respect to this project?

20 A. (Kimball) I would contend that his opinion  
21 here is different than what it was in Maine.

22 Q. I want to talk about the concept of "net  
23 impact" and "intensity," which is something  
24 that you used in your testimony.



1           On Page 15, Lines 17 to 20, I think we  
2           talked about this a little bit earlier on,  
3           but --

4    A.   (Kimball) Again you'll have to let me catch  
5           up.

6    Q.   Sure. I'm on Page 15 --

7    A.   (Kimball) Of prefiled?

8    Q.   What is that?

9    A.   (Kimball) Prefiled?

10   Q.   Yeah, NGO Exhibit 103.

11   A.   (Kimball) Okay.

12   Q.   You said that the delta maps that DeWan  
13           provided failed to account for how many new  
14           towers would be visible at locations  
15           presently impacted and that the maps failed  
16           to, quote, "illustrate the intensity of the  
17           visual impacts by masking the increased  
18           number of structures that would be visible at  
19           any location." Do you remember saying that?

20   A.   (Kimball) I'll let Mr. Garland answer this  
21           question.

22   Q.   Mr. Garland, do you recall that?

23   A.   (Garland) It's stated in the testimony.

24   Q.   And I think earlier Mr. Aslin asked you about

1           this, and I wanted to focus on it a little  
2           bit more specifically.

3                       When you say that, it sounds like you're  
4           implying that there was something that DeWan  
5           was supposed to provide in accordance with  
6           the rules that they failed to provide; is  
7           that right?

8   A.   (Garland) We had said in our testimony that  
9           the delta maps failed to illustrate the  
10          intensity of the visual impacts. That was  
11          our statement.

12   Q.   So you'd agree with me that there's nothing  
13          anywhere in the SEC rules that actually  
14          requires an Applicant to provide these delta  
15          maps; right?

16   A.   (Garland) Well, as I mentioned earlier, I  
17          think there is a requirements in the rules  
18          that the Applicant adequately address the  
19          change from existing to proposed. And so  
20          when we're talking about "intensity," I'm  
21          referring to that necessity of accounting for  
22          the change.

23   Q.   And of course there are many ways to do that;  
24          right? But the rules don't say to provide

1 delta maps; correct?

2 A. (Garland) The rules do say that you have to  
3 provide maps.

4 Q. They do. Do they say that you have to  
5 provide the sort of delta maps that you're  
6 envisioning here?

7 A. (Garland) They don't specifically say "delta  
8 map."

9 Q. Okay. In fact, ultimately this is a moot  
10 point because, in fact, the Applicants did  
11 provide those maps, even though the rules  
12 don't specifically require them; is that  
13 correct?

14 A. (Garland) I'm not contesting they didn't  
15 provide the maps. I'm saying the maps did  
16 not account for or illustrate the intensity  
17 of change.

18 Q. And when you expressed that frustration with  
19 the maps, again what you're doing is pointing  
20 to the rules generally to support your  
21 contention; correct?

22 A. (Garland) That the rules do require a  
23 depiction of change.

24 Q. Okay. Let's talk about mitigation for a

1 minute.

2 In your prefiled testimony on Page 16,  
3 Lines 26, you state that the only mitigation  
4 measures DeWan offered were very limited,  
5 close quote. Do you recall that?

6 A. (Kimball) Yes.

7 Q. Mr. Dodson, your witness, testified that the  
8 only acceptable mitigation for this project  
9 is all underground. I assume you're aware of  
10 that?

11 A. (Kimball) Yes.

12 Q. And at the technical session you stated that  
13 AMC's position is that the only mitigation  
14 that's appropriate is to underground the  
15 whole project; is that right?

16 A. (Kimball) Yes.

17 Q. So I assume, at least with respect to the  
18 underground sections of the Project, the  
19 60-plus miles, AMC is supportive of those  
20 portions of the Project; is that fair to say?

21 A. (Kimball) Yes. I mean, there's been a number  
22 of issues raised since then that we were not  
23 aware of in the beginning because it was our  
24 understanding it was to be buried under the

1 road.

2 Q. And then focusing on the remaining overhead  
3 portions of the Project, it's AMC's position  
4 that there is no mitigation that's sufficient  
5 with respect to those overhead portions; is  
6 that right?

7 A. (Kimball) We had three terms here: Avoid,  
8 minimize and mitigate. So I just want to get  
9 clarity on how you're using these terms.

10 Q. Well, I thought it was straightforward. I  
11 think AMC is saying you got to bury the whole  
12 thing. So it seems black and white to me.

13 A. (Kimball) Okay.

14 Q. Is it not black and white?

15 A. (Kimball) Ask the question again, then,  
16 please.

17 Q. AMC says bury the whole thing. So my  
18 question is: AMC believes there's no  
19 acceptable mitigation for the above-ground  
20 sections other than burial?

21 A. (Kimball) We believe the technologies today  
22 allow for that mitigation.

23 Q. So, in other words, you agree with me.  
24 That's the only acceptable approach.

1 A. (Kimball) For this particular project.

2 Q. And when you offer that opinion, I assume you  
3 have in mind Site 102.12 which defines "best  
4 practical measures," and in doing so talks  
5 about "available, effective and economically  
6 feasible on-site and off-site methods."

7 A. (Kimball) Yup.

8 Q. You accounted for that?

9 A. (Kimball) Yes, because that site also in the  
10 end says, effectively, avoid, minimize or  
11 mitigate.

12 Q. Right. And you're familiar with the  
13 Applicant's position here that it's  
14 uneconomical to bury the entire project; is  
15 that right?

16 A. (Kimball) Yes. I would want to point out  
17 that the Applicant met with us, I think back  
18 in 2010 or 2011, and we suggested that they  
19 go back because part of these rules also  
20 start off and say --

21 (Court Reporter interrupts.)

22 A. (Kimball) It says it means available,  
23 effective and economically feasible on-site  
24 or off-site methods or technologies used

1           during, and the emphasis here would be on  
2           siting. If you site a right-of-way that is  
3           not compatible with burial, then, yes, it is  
4           going to be very expensive.

5       Q.    You said the emphasis is on siting. In fact,  
6           it's not; right? It says, "siting, design,  
7           construction and operation"?

8       A.    (Kimball) I was putting my emphasis on  
9           siting.

10      Q.    All right. But the Committee, when it  
11           interprets this rule, is going to have to  
12           read all of those. You agree with that?

13      A.    (Kimball) I don't disagree.

14      Q.    Now, given that it's the Applicant's position  
15           that full burial isn't economic, I'm  
16           wondering if the Appalachian Mountain Club  
17           has done any cost-benefit analysis to support  
18           its position that full burial is economic.

19      A.    (Kimball) I think we can look at the  
20           neighboring state of Vermont to see that  
21           there is a proposal in the Mass. RFP that it  
22           seems to think it is economical.

23      Q.    That's not my question. I'll come back to  
24           that in a minute.

1           My question is: Have you done any  
2           cost-benefit analysis to counter Northern  
3           Pass's position that burial of this project  
4           is uneconomic?

5    A.   (Kimball) Depends on what you're using for a  
6           scale of cost-benefit. Relative to an  
7           economic return to Eversource, it may not be.  
8           Relative to the broader question of what's  
9           also the benefit to society, et cetera,  
10          that's a different question.

11   Q.   Is there anything anywhere in the written  
12          materials that you've provided to us that  
13          offers any kind of cost-benefit analysis  
14          regarding this underground issue?

15   A.   (Kimball) I mean, we did not do -- in fact,  
16          we did not have access to that kind of data  
17          to even do that relative to the construction  
18          costs.

19   Q.   And going back to your statement a moment  
20          ago, it sounds like what you are relying on  
21          to say it's economic is other projects  
22          elsewhere.

23   A.   (Kimball) Yes. And I think you can also go  
24          back and ask are there potentially other



1 routes that might have been selected?

2 Q. All right. So you're also thinking about  
3 completely different alternative routes.

4 A. (Kimball) Yes.

5 Q. Like routes that were analyzed and rejected  
6 in the Environmental Impact Statement?

7 A. (Kimball) There's some in addition that were  
8 never looked at.

9 Q. Well, I'm not going to ask. Never mind.

10 So, on Page 19, Line 16, you say that  
11 the proposed buried section --

12 A. (Kimball) Excuse me. Just give me a second  
13 and let me catch up.

14 Q. Sure.

15 A. (Kimball) Go ahead.

16 Q. I'm on Page 19, Line 16.

17 A. (Kimball) Yup.

18 Q. You say, "The proposed buried segments in the  
19 Great North Woods are not designed to  
20 minimize aesthetic impacts, but rather to  
21 circumvent landowners who refuse to accept  
22 this project on their properties; right?

23 A. (Kimball) That is our understanding, yes.

24 Q. So I want to -- it won't surprise you that

1 Northern Pass disagrees with that. But I  
2 want to assume for the sake of discussion  
3 that you're correct with regard to that  
4 statement. So, is it AMC's position that  
5 when the Site Evaluation Committee has to  
6 assess compliance with the rules, they don't  
7 just look at compliance, but they actually  
8 have to look at the motivation for why  
9 something was done?

10 A. (Kimball) I don't think the rules talk about  
11 motivation.

12 Q. So, then, if burying the Project in a segment  
13 has the effect of minimizing or eliminating  
14 visual impacts, it doesn't matter why it was  
15 done. The fact that it minimizes and  
16 eliminates those impacts is all this  
17 Committee has to consider; right?

18 A. (Kimball) I think you're missing one element  
19 when you simplify it the way you do, because  
20 these burials are going to require the  
21 development of transition stations, which in  
22 themselves have some fairly -- I mean,  
23 they're going to be very visual on the  
24 landscape.

1 Q. Sure.

2 A. (Kimball) They're not small structures. So  
3 when you go short distances and bury them and  
4 come back up again, there are secondary  
5 effects that are coming. And the more  
6 frequently that you're doing it, those  
7 secondary effects are going to be more  
8 frequent.

9 Q. And the Committee has a very full record on  
10 those transition stations and the visual  
11 impacts; isn't that right?

12 A. I would agree with that. I think that we've  
13 only seen VIAs for one transition station.  
14 And the Applicant's photos sims were somewhat  
15 different than some of the other photo sims  
16 that were put in by other visual experts.

17 Q. So back to my original question. Do you  
18 still argue that the Committee has to  
19 consider the motivation for why it was buried  
20 and not just the effects of burial?

21 A. (Kimball) If I'm interpretating your  
22 question, because I'm having difficulty  
23 understanding your question, are you asking  
24 me to assume that the primary reasons why

1 Eversource -- or Northern Pass decided to  
2 bury in this section was for aesthetics  
3 mitigation?

4 Q. It's actually a simple question. You said in  
5 your testimony that Northern Pass did it to  
6 circumvent landowners who refused to accept  
7 the Project.

8 A. (Kimball) That was our understanding of why  
9 these locations were selected.

10 Q. You said it, so it must have mattered to you.  
11 And I'm trying to understand why that  
12 matters. Assuming it's true, burial still  
13 has the effect of mitigating impacts. So why  
14 would that matter?

15 A. (Kimball) In that case it does, except -- it  
16 does have additional impacts of the  
17 frequency, as I mentioned a few seconds ago.

18 Q. Okay. So I want to move to Page 19, Lines 11  
19 and 12 of your testimony, where you said that  
20 the Applicant will be using only, quote,  
21 minimal and limited vegetative screening. Do  
22 you recall that?

23 A. (Kimball) Correct.

24 Q. I assume you're aware that the Applicant has

1 committed to work with willing landowners for  
2 purposes of vegetative screening?

3 A. (Kimball) A commitment is different than  
4 understanding whether it's actually going to  
5 happen when a decision is made here.

6 Q. You understand that the Applicant can't do  
7 any vegetative screening on private property  
8 if the landowner doesn't want it.

9 A. (Kimball) That may indeed be the problem.

10 Q. Well, so tell me what options the Applicant  
11 has if the landowner says, "We don't want  
12 screening." What if it were your property  
13 and we offered screening and you said no?  
14 Should we force it on you?

15 A. (Kimball) No, you can't force it on me.

16 Q. Are there any particular locations where you  
17 concluded that vegetative screening is  
18 necessary?

19 A. (Kimball) We did not do that kind of  
20 assessment.

21 Q. So you actually have no analysis, then, on  
22 this point?

23 A. (Kimball) That is correct.

24 Q. Did you have a chance to look at Ken Bowes'

1 supplemental testimony, and also DeWan and  
2 Kimball's supplemental testimony as it  
3 relates to mitigation?

4 A. (Kimball) Yes, I did.

5 Q. They both testified that they considered a  
6 whole range of additional mitigation measures  
7 and are willing to consider all those  
8 measures to reduce impact. Do you understand  
9 that?

10 A. (Kimball) Yes, I do.

11 Q. Would Appalachian Mountain Club be supportive  
12 of any of those mitigation measures?

13 A. (Kimball) That's a hypothetical question.  
14 But our feeling is these should have been  
15 offered so that people could look at it and  
16 understand what was being offered and how  
17 effective it might be.

18 Q. Well, I'm not sure what's hypothetical about  
19 it. It's been in the testimony for a long  
20 time. In fact, Counsel for the Public's own  
21 experts looked in detail at this whole range  
22 of additional mitigation. They made specific  
23 recommendations in specific locations. And  
24 so I guess given how long this has now been

1 in the record and that this is the subject of  
2 your testimony, I think it's fair to ask  
3 would Appalachian Mountain Club be supportive  
4 of any of these mitigation measures?

5 A. (Kimball) There's a difference between  
6 supporting some of the mitigations as opposed  
7 to asking whether what is actually going to  
8 happen for minimization or mitigation would  
9 actually have enough effectiveness to make a  
10 difference. And I think when look at towers  
11 that are up to 160 feet, et cetera, it's hard  
12 for us to envision how you're going to screen  
13 those.

14 Q. So, to the extent the Applicants have  
15 proposed these measures, to the extent that  
16 Counsel for the Public's experts have  
17 proposed these measures, you simply don't  
18 agree with any of them because you think it's  
19 too difficult --

20 A. (Kimball) No. In fact, what struck me is Mr.  
21 DeWan's testimony frequently referred over  
22 to -- excuse me -- Mr. DeWan's supplemental  
23 testimony, when he got into mitigation,  
24 frequently referred over to Mr. Bowes'

1 supplemental prefiled, and Mr. Bowes, in many  
2 cases, went through and said, "Well, we can't  
3 do it."

4 Q. Okay. Page 8 and 9. You criticized DeWan's  
5 analysis of viewer expectation. And on  
6 Page 9, Lines 4 and 5 --

7 A. (Kimball) Again, you've got to give me a  
8 second to catch up.

9 Q. Okay. Let me know when.

10 A. (Kimball) Go ahead.

11 Q. On Page 9, Lines 4 and 5, you said DeWan made  
12 no effort to gather evidence directly related  
13 to the expectation of viewers of the proposed  
14 Project; is that right?

15 A. (Kimball) I'm sorry. I'm on my prefiled.  
16 Are you on my prefiled? Because I'm not  
17 reading the same thing.

18 Q. Yes, NGO 103, Page 9, Lines 4 and 5.

19 A. (Kimball) I'm confused... oh, I'm sorry.  
20 Larry's helped me get caught up. Thank you.

21 Q. So the assertion you made is that DeWan made  
22 no effort to gather evidence about viewer  
23 expectation; right?

24 A. (Kimball) If he did, we haven't seen it.



1 Q. So in Applicant's Exhibit 1, Appendix 17, the  
2 VIA, DeWan actually talks about user  
3 expectation as an entire category in the VIA.  
4 Do you recall that?

5 A. (Kimball) Yes.

6 Q. And in Section 8.4.1, the methodology  
7 specifically calls for an analysis of user  
8 expectations. Do you remember that?

9 A. (Kimball) Yup.

10 Q. And both of these you'd agree are consistent  
11 with the SEC rules requiring this type of  
12 analysis; is that correct?

13 A. (Kimball) Yes. But the way that they did it  
14 was basically a formula by individuals on  
15 that team and did not reach out to truly  
16 understand visitor expectations and viewer  
17 expectations.

18 Q. Well, in Section 8.5 of the methodology,  
19 consideration of, quote, viewer effect which  
20 combines extent, nature and duration of  
21 public use ratings and effect on continued  
22 use and enjoyment, according to DeWan's  
23 methodology, actually makes up two thirds of  
24 the overall visual impact rating; is that

1 right?

2 A. (Kimball) Not entirely because you have a  
3 culture filter that's beginning in the  
4 beginning that kicks out a lot of examples.

5 Q. Regardless of where the culture filter is  
6 applied, though, that's two thirds of their  
7 analysis for this category. Do you agree  
8 with that?

9 A. (Kimball) If you can get that far in the  
10 analysis.

11 Q. And this includes consideration what a viewer  
12 would expect to see at these resources in  
13 their methodology; correct?

14 A. (Kimball) Yes. Then the question is: How do  
15 they go out to try to understand as opposed  
16 to just simply using their own opinion and  
17 nothing else?

18 Q. So you agree their methodology is sound. You  
19 just don't like the way they applied it.

20 A. (Kimball) I think you need two components  
21 here. One is they sort of go through, I  
22 believe it was the standard BLM kind of  
23 approach going down through this. But if you  
24 read the BLM manuals and read the forest

1 service manuals, et cetera, they also expect  
2 you to go out and test out some of your  
3 assumptions with the real world. We didn't  
4 see that.

5 Q. Well, you said that the NPT VIA didn't  
6 conduct any form of public outreach to  
7 measure viewer expectations, and you said  
8 that an intercept survey should be performed;  
9 right?

10 A. (Kimball) We suggested that as one way, and  
11 it's something that has been done before.

12 Q. And you understand there's no requirement in  
13 the SEC rules to do that; right?

14 A. (Kimball) I think the rules ask you to  
15 understand viewer expectations. And there  
16 are different ways of doing it, and some are  
17 better than others.

18 Q. That wasn't my question. You said you'd like  
19 to see intercept surveys. But we all agree  
20 they're not required by the rules; right?

21 A. (Kimball) I do agree that the rules do not  
22 specifically require them.

23 Q. And in fact, you were talking a moment ago  
24 about other accepted visual methodologies,

1           like BLM, forest service. They also don't  
2           mandate those types of surveys; correct?

3       A.     (Kimball) They don't mandate. They are not  
4           mandates. But they do, and we used these in  
5           our NGO exhibits during cross-exam. They all  
6           highly recommend to go out and talk with the  
7           real public that's going to be impacted.

8       Q.     And did you spend time to actually look in  
9           detail at the way in which DeWan went through  
10          their analysis of user expectations at  
11          individual resources?

12      A.     (Kimball) On the score sheets?

13      Q.     On the score sheets and with respect to the  
14          individual resource.

15      A.     (Kimball) We did look at the score sheets.

16      Q.     Okay. So I want to move on, then, to  
17          determination of unreasonable adverse  
18          effects. And on Page 10 of your testimony,  
19          you were critical of how DeWan made the  
20          determination regarding unreasonable adverse  
21          effects. Do you recall that?

22      A.     (Kimball) Yes, I do.

23      Q.     And I guess I want to start by asking, when  
24          you offered that criticism, did you have the

1 requirements of Site 301.14(a) in mind, which  
2 are the seven criteria that the SEC needs to  
3 apply to make this determination?

4 A. (Kimball) Give me that site again?

5 Q. 301.14(a).

6 A. (Kimball) 301.14(a), yes. Yup.

7 Q. So you had that in front of you, and you were  
8 considering it when you were offering these  
9 criticisms of DeWan.

10 A. (Kimball) Hmm-hmm.

11 Q. On Page 11, Lines 1 and 2 of your testimony,  
12 you create your own standard here, which  
13 says, "The question for the SEC is what level  
14 of diminished aesthetic experience leads to  
15 an unreasonable adverse effect." Do you see  
16 that?

17 A. (Kimball) Yes.

18 Q. That standard's no place in the SEC rules, is  
19 it?

20 A. (Kimball) I don't think the SEC rules either  
21 say that if people -- if there's enough  
22 damage to the landscape, then people don't  
23 come back. That's the final test, which is  
24 what Mr. DeWan put forth as his only

1 description. And we did ask him in the tech  
2 session his definition of "unreasonable," and  
3 we could not get a definition.

4 Q. Actually, DeWan didn't say that anywhere in  
5 his analysis. Those are your words, not his.

6 A. (Kimball) I'm sorry. Say which words?

7 Q. DeWan did not offer this view of unreasonable  
8 adverse effect anywhere in his analysis. The  
9 view that, quote, "The question for the SEC  
10 is what level of diminished aesthetic  
11 experience leads to an unreasonable adverse  
12 effect," that's your words.

13 A. (Kimball) I believe that's the whole purpose  
14 of the VIA.

15 Q. So you're characterizing that as the purpose  
16 of his VIA, but you're not actually saying  
17 DeWan said that; right?

18 A. (Kimball) No, he didn't say that.

19 Q. So I want to finish up here by looking at  
20 what DeWan actually did instead of talking  
21 about what we think he did.

22 On Page 10, Line 29, you say that  
23 DeWan's standard of unreasonable adverse  
24 effect essentially requires the effects of a

1 project on aesthetics to be so severe, that  
2 people who enjoyed the scenic resource's view  
3 before the Project was built will not return  
4 to the view after the Project is built;  
5 right?

6 A. (Kimball) Yes. That was based on what he put  
7 in his prefiled.

8 Q. So that's your interpretation of his work in  
9 this case; right? You're saying he didn't  
10 apply the SEC standards here. He came up  
11 with this approach.

12 A. (Kimball) It's not an interpretation. Those  
13 are the words he used in his prefiled.

14 Q. Well, I guess maybe you'll point it out to  
15 us, because what I want to do is I want to go  
16 through the work.

17 So I'm going to pull up Applicant's  
18 Exhibit 431. What we've done here is on the  
19 right side -- or on the left side --

20 A. (Kimball) I'm sorry. This is so small, I can  
21 hardly read it.

22 MR. NEEDLEMAN: Dawn, if you can  
23 blow that up.

24 A. (Kimball) Goes with old age.

1 BY MR. NEEDLEMAN:

2 Q. So, on the left side we've got the seven SEC  
3 criteria in 301.14(a), and then on the right  
4 side we correlate DeWan's work to that  
5 particular criteria. And we go right down  
6 this list, and we show every place in DeWan's  
7 work where what he did and where he did it  
8 correlates directly to this SEC criteria. Do  
9 you see that?

10 A. (Kimball) Yes, I do.

11 Q. I didn't see any effort anywhere in your work  
12 to do this type of analysis and explain why  
13 you think the work he did doesn't correlate  
14 to this criteria. Did you do anything like  
15 that?

16 A. (Kimball) No, we did not, but --

17 Q. Why not?

18 A. (Kimball) Because we didn't do a full VIA.

19 Q. But you don't need to do a VIA. What you did  
20 was a critique of DeWan's work.

21 A. (Kimball) That is correct.

22 Q. And I would assume if you're critiquing his  
23 work and making the assertion that he didn't  
24 analyze unreasonable adverse effect based on



1 the SEC standards, you'd prepare a simple  
2 chart like this and show us all the places  
3 where he failed to do that. I don't see  
4 anything like that in your work.

5 A. (Kimball) We criticized a lot of the steps  
6 that he used on the right-hand side.

7 Q. So you don't agree that DeWan failed to  
8 address any of these. You just feel that in  
9 particular places you don't like the way he  
10 did it.

11 A. (Kimball) And we have some real serious  
12 problems, as I mentioned, about the way the  
13 stuff was filtered in a very reductive method  
14 to get to the conclusions that get you to the  
15 right-hand side.

16 Q. All right. One other question. You're also  
17 critical of the elements that DeWan included  
18 in his analysis which allowed him to then  
19 draw these conclusions that we see here; is  
20 that correct?

21 A. (Kimball) we were critical of them? Yes.

22 Q. So I want to call up Applicant's 432. Site  
23 305(b)(6) is the portion of the SEC rules  
24 that specifically says what professionals

1           like Mr. DeWan need to include in their  
2           visual impact assessment. Are you familiar  
3           with that?

4    A.    (Kimball) Hmm-hmm.

5    Q.    And it specifically articulates the factors.  
6           Are you familiar with that?

7    A.    (Kimball) Yes.

8    Q.    So, again, what we did is we listed every  
9           factor in the SEC rules, and then we  
10          correlated those exactly to the places in Mr.  
11          DeWan's work where he addressed those  
12          factors. Do you see that?

13   A.    (Kimball) Yes. Again, those are the steps  
14          that are presented, but we have difficulty  
15          with the way that some of those steps were  
16          done.

17   Q.    Same question: So you never actually  
18          prepared a document like this to support your  
19          assertions that he in fact didn't do what the  
20          SEC rules required with respect to inclusion  
21          of particular elements of a VIA.

22   A.    (Kimball) I'll give you the same answer I  
23          gave you just a minute ago, which is, no, we  
24          did not develop a table like this.

1 Q. So you don't disagree that he in fact did  
2 deal with every one of these requirements  
3 that the SEC imposes; right?

4 A. (Kimball) He did fill in the boxes, yes.

5 Q. And of this particular list, as you looked  
6 down it, are there any of those boxes that  
7 you can point to that you think are actually  
8 specifically deficient?

9 A. (Kimball) No. 1 is I can't analyze this  
10 instantly, just as if you put up a photo sim  
11 and ask me to analyze it right on the spot.  
12 But I think, as I look down through some of  
13 these, for example, if I go down to G, he  
14 talks about duration of view. When we look  
15 at his method, to get a "high" for  
16 duration -- I mean extent, nature and  
17 duration of the public view, to get a "high"  
18 in his duration of view, you have to sit at  
19 that resource for four hours, based on his  
20 decision. Most people would not climb to the  
21 summit of a mountain and sit there for four  
22 hours.

23 Q. Is there someplace in his methodology that  
24 says that?

1 A. (Kimball) Yes.

2 Q. That you have to sit up there for four hours?

3 A. (Kimball) Yes, it does. It's right in his  
4 criteria.

5 Q. And that's how he analyzes duration of view.

6 A. (Kimball) Yes.

7 Q. At each resource?

8 A. (Kimball) Yes. If you go to DeWan M15 -- do  
9 you have that in front of you?

10 Q. No, but I know what you're talking about.

11 A. (Kimball) It says activities where the  
12 general public may be expected to spend the  
13 equivalent of at least a morning or  
14 afternoon, greater than four hours, pursuing  
15 an outdoor activity, e.g., fishing, camping,  
16 hiking --

17 CHAIRMAN HONIGBERG: Slow down,  
18 slow down.

19 A. (Kimball) -- to get a "high."

20 Q. Right. So that's with respect to certain  
21 resources, depending on the particular type  
22 of use, like sitting on a mountain summit or  
23 paddling in a lake, as opposed to, for  
24 example, driving a highway; correct?

1 A. (Kimball) It doesn't differentiate the way  
2 that you're describing it.

3 Q. But he did differentiate it in his analysis,  
4 didn't he?

5 A. (Kimball) If he did, it's not transparent.  
6 We're going by the definition that he put in  
7 his methodology.

8 MR. NEEDLEMAN: Okay. Thank  
9 you. I have no further questions.

10 CHAIRMAN HONIGBERG: Members of  
11 the Subcommittee, who has questions for the  
12 panel? Mr. Way.

13 QUESTIONS BY SUBCOMMITTEE MEMBERS AND SEC COUNSEL:

14 BY MR. WAY:

15 Q. Good morning. Just a few questions.

16 Mr. Thayer, always interested in data  
17 that's up to date, and so I'm looking at the  
18 2003 study that you did -- or that you looked  
19 at. Is that still considered a living  
20 document in the tourism industry?

21 A. (Thayer) I think it's a document that forms  
22 what New Hampshire is known for, so it's an  
23 aggregate. You know, I don't know if it's  
24 "living," but it forms what the State puts

1 out there as a brand.

2 Q. And so the last time -- and when was the last  
3 time you may have contacted the Travel and  
4 Tourism Division?

5 A. (Thayer) Related to another project, I  
6 contacted them in the last couple of weeks  
7 about Canadian visitors into the region and  
8 into the North Country related to  
9 human-powered recreation.

10 Q. Sure. And so with regards to this project,  
11 when was the last time that you contacted  
12 them?

13 A. (Thayer) I have not contacted them --

14 Q. Not contacted them. So when you got to  
15 numerous conferences, this study that you're  
16 looking at, is this still toted as relevant?  
17 Is it still -- my understanding is there's  
18 been some updating to this type of  
19 information since that point. I'm just  
20 trying to get a sense of whether the  
21 conclusions reached then are still relevant  
22 now.

23 A. (Thayer) I haven't seen this study pulled up  
24 as an example at Governor and Tourism

1 Conferences.

2 Q. Fair enough. One of the things that you  
3 mentioned, or I think Mr. Needleman  
4 mentioned, was that there were no -- there  
5 was no areas, no corridors where you could  
6 definitively say that it impacted tourism.  
7 Is that what I heard, that there was no  
8 locations in the right-of-way or whatever  
9 where it impacted tourism to this point?

10 A. (Thayer) To this point, perhaps. But I can  
11 think of two crossings, that as you approach  
12 a resource like Mountain View Grand in  
13 Whitefield, that there's currently a  
14 transmission line crossing, and this project  
15 as proposed will make that more substantial.

16 Q. You're getting close to my next question, and  
17 that was you seem to suggest that you thought  
18 there were areas that you didn't know for  
19 sure, but you seemed to suggest that there  
20 were areas that you thought have impacted  
21 tourism, and I'm interested to hear where  
22 those areas might be that you think might be  
23 impacted.

24 A. (Thayer) That they would be impacted?

1 Q. Yes. You seem to imply that when you --

2 A. (Thayer) Yeah, I can think of Routes 3 and  
3 116, both of which the transmission line  
4 crosses over both of those two different  
5 entrances to the Mountain View Grand on  
6 Mountain Road in Whitefield, and I can think  
7 of Big Diamond Road as the proposed line  
8 comes across on the drive up to Coleman State  
9 Park, which is a terrific resource in the  
10 North Country. And I know there's photo sims  
11 done of that. But having been up to Coleman  
12 State Park and the approach to Coleman State  
13 Park, it's somewhat representative of broad  
14 scenic resource that is the North Country as  
15 you approach the state park looking over  
16 those ridge lines.

17 Q. Thank you. And the great debate is: Is the  
18 Mountain View Grand considered public or not?

19 A. (Thayer) I would believe it's public, both in  
20 terms of what I have seen and experienced,  
21 but also knowing that -- yeah, I mean, there  
22 are certainly people who stay overnight  
23 there. But I know for a fact that there are  
24 people who drive Mountain View Road and stop



1 on the veranda to capture that view of Cannon  
2 and Franconia Notch all the way across to the  
3 Presidentials.

4 Q. You represent New Hampshire Grand; is that  
5 fair to say or --

6 A. (Thayer) It's fair to say I'm on the team for  
7 New Hampshire Grand, yes.

8 Q. Are you representing their opinion as well,  
9 or do they accept your opinion or -- strike  
10 that. That's not a fair question to ask.

11 But one question I do have on New  
12 Hampshire Grand, the main sponsor is NCIC;  
13 correct?

14 A. (Thayer) Correct. Although, funding is  
15 received through foundations, as well as USDA  
16 Rural Development, as well as the Joint  
17 Promotional Program with the State of New  
18 Hampshire that's put --

19 Q. The JPP Program.

20 A. (Thayer) The JPP Program.

21 Q. And one question I had on NCIC, since they're  
22 a funding entity for loans and grants, have  
23 they been involved with any utility  
24 projects -- obviously not this one -- but in

1           their normal operations?

2    A.    (Thayer) That's a better question for them,  
3           but I believe they have a portfolio that  
4           includes broadband technology and the funding  
5           of that.

6    Q.    Very good.

7                    Mr. Garland -- is it Dr. Garland or  
8           Mr. Garland?

9    A.    (Garland) Mr. Garland.

10   Q.    All right.  And Dr. Kimball, you had  
11           mentioned the Intermap data?

12   A.    (Kimball) Yes.

13   Q.    And the three scenarios that were brought up,  
14           I understand about the \$32,000 being  
15           prohibitive.  I'm trying to get a sense,  
16           though, of the other two options, of why they  
17           don't work.  Tell me why the PDF does not  
18           work for you.

19   A.    (Kimball) I'll let Larry answer that.

20   A.    (Garland) The PDF is an image of the data.  
21           It is not the data.  In other words, you  
22           cannot interrogate it.  I can't query it.  
23           You can't use it in any form of GIS analysis.  
24           It's almost like a photograph of a map rather

1           than the data contained in the map, if that  
2           makes sense.

3       Q.     It does.  So I'm trying to get a sense of how  
4           real a concern -- if you had full access to  
5           the data as opposed to getting the PDF of the  
6           data, the PDF would be of no value to you?

7       A.     (Garland) PDF would be of no value.

8       Q.     And the other option, \$7200 for the user fee,  
9           that was more of a philosophical thing that  
10          I'm sort of taking away.

11      A.     (Kimball) Well, it's both philosophical, as  
12          well as, you know, we don't budget for those  
13          kinds of expenses when we get into this.  And  
14          we've never, in any other proceedings that  
15          we've been involved in, had to pay for data  
16          that is submitted as part of a public record.

17      Q.     Submitted data as part of the public record  
18          or just the PDFs in your --

19      A.     (Kimball) I think as we've seen with economic  
20          experts and others, normally you get to see  
21          how they did it.  And the data that they used  
22          here, you can't.  I mean, let me just give  
23          you a quick example with the Intermap.

24                   DeWan & Associates used that in part to

1 calculate out what tree height was. It's  
2 where they made their error when they decided  
3 that water actually blocked visibility and  
4 ROW crops actually blocked visibility.  
5 That's where we picked up that there were  
6 some serious errors. We wanted to better  
7 understand it. You do that with the  
8 Intermap. We used a bootstrapped way to try  
9 to figure out why they were making the  
10 errors.

11 Q. The challenge would probably be, and we've  
12 had a few studies that have ever been  
13 presented to us, where they're user-based  
14 license activities and someone has to pay for  
15 that license. And if everybody asked for  
16 that access to the data, I guess that would  
17 be -- I guess I'm editorializing now.

18 A. (Kimball) I think that's an SEC decision as  
19 to how they want to treat that.

20 Q. I agree.

21 Did you have access with the Trails  
22 Bureau, Mr. Thayer, at any point in the near  
23 past?

24 A. (Thayer) Related to this? No. I mean, I had

1 access based through AMC, as well as the  
2 Trails Bureau in terms of understanding the  
3 trails in the region.

4 Q. And so in your facility when visitors come,  
5 they have not -- they've not been inquiring  
6 about the Northern Pass very much. They're  
7 more interested in the experience that  
8 they're going to get. Is that what I'm  
9 hearing from you?

10 A. (Thayer) Well, to be clear, certainly our  
11 members have, members of the Appalachian  
12 Mountain Club. But we host, you know, over a  
13 140,000 bed nights and 500,000 day visitors a  
14 year. So, certainly there's the range of  
15 folks who stop in who are aware of the  
16 Project as proposed, and there are those from  
17 beyond New England, southern New England,  
18 that are less aware. But they're all equally  
19 drawn by the scenic resource. That's why  
20 they come here. It's different from what  
21 they have at home.

22 Q. Because it's interesting. When we talked,  
23 for example, in the real estate market, the  
24 contention is that the very discussion of

1           this project, certainly over an extended  
2           period of time, has been prohibitive for  
3           people interested or coming to the state.  
4           And I'm just wondering if in your experience  
5           that you're seeing that. It doesn't sound  
6           like you are at your facility. Am I correct?

7    A.    (Thayer) Keep in mind where our facilities  
8           are located. Attorney Needleman called out  
9           that, you know, we are within and surrounding  
10          the immediate vicinity of the White Mountain  
11          National Forest. So, in terms of that being  
12          accurate, that is true because it's a  
13          protected resource, and the Applicant has  
14          proposed to bury around and through the  
15          scenic resource.

16   Q.    All right. Thank you very much.

17                                   CHAIRMAN HONIGBERG: Ms.  
18           Weathersby.

19   QUESTIONS BY MS. WEATHERSBY:

20   Q.    Just a couple of follow-up questions.

21                    You had mentioned that in 2010 and 2011  
22                    the AMC met with the Applicant. Do you  
23                    recall who originated that, how that meeting  
24                    came about?

1 A. (Kimball) Yup. It was Mr. Varney came as a  
2 representative, as well as some folks from  
3 the Applicant, and they called for the  
4 meeting.

5 Q. Is that the only time that AMC has met with  
6 Northern Pass?

7 A. (Kimball) To the best of my recollection.  
8 And Susan Arnold is here as well, and she may  
9 say there's another time. But she's not the  
10 witness up here, but --

11 Q. And can you tell me just in a little brief  
12 summary of the meeting you did have with Mr.  
13 Varney and kind of what was discussed and how  
14 it was left?

15 A. (Kimball) They laid out some of the routes  
16 here and asked us which one was our favorite  
17 one.

18 Q. Did AMC express concerns, and were those  
19 listened to and was your --

20 A. (Kimball) Yes, we did express concerns. And  
21 we had suggested trying to pick a more  
22 burial-friendly route.

23 Q. You indicated that the Project won't be  
24 visible from the campgrounds and lodge

1 maintained by AMC. But I'm guessing that  
2 there's a number of AMC-maintained hiking  
3 trails from which it will be visible. Is  
4 that true, and do you have any idea how many?

5 A. (Kimball) Yes. Remember that our membership  
6 is not just interested in our facilities.  
7 It's part of the reason why our membership is  
8 very much interested in just what was going  
9 to happen in what's known as the  
10 26 million acres of the northern forests,  
11 which includes most of the North Country  
12 north of the White Mountains. So our  
13 interests and our mission is to, you know,  
14 protect and provide for the wise stewardship  
15 of those types of landscapes.

16 Q. And are there AMC-maintained hiking trails  
17 that as you hike along will have a view of  
18 the Project? Has that been analyzed?

19 A. (Kimball) Mr. Garland has hiked probably  
20 every hiking trail in New Hampshire, Vermont,  
21 Maine. I will let him answer.

22 A. (Garland) You're asking specifically about  
23 AMC-maintained trails? And that's an  
24 important qualifier because we work on a



1 cooperative basis with other hiking clubs and  
2 other trail-maintaining clubs.

3 So, in terms of those that are, strictly  
4 speaking, maintained by the Appalachian  
5 Mountain Club, that would probably be limited  
6 to the trails that are on the northern end of  
7 the Franconia range, where if you look  
8 northward, you know, they're a section of the  
9 National Forest. But other than that, the  
10 AMC-maintained trails, probably not. There  
11 were some trails up on Cherry Mountain where  
12 you have views looking north at the Project.  
13 But I don't recall specifically if those are  
14 maintained by the AMC. Probably by the RMC,  
15 the Randolph Mountain Club.

16 Q. That's fine. I was just curious.

17 A. (Garland) Okay. Yes.

18 Q. When I have the opportunity, I also lace up  
19 my hiking boots and head up the mountains.  
20 And a month or so ago I was on the top of Mt.  
21 Eisenhower. And my hiking experience has  
22 been changed as a result of being involved in  
23 this project. And instead of just taking in  
24 the magnificence of the 360-degree views, I'm

1 looking for man-made structures and noticed  
2 that there's --

3 A. (Kimball) Isn't that a nightmare now?

4 Q. -- at least two wind farms noticeable from  
5 that peak, as well as highways that  
6 serpentine through the valleys and ski areas  
7 and other man-made changes to the landscape.  
8 And I'm wondering if you have an opinion --  
9 I'm wondering if any of your members comment  
10 on the man-made elements presently seen from  
11 the viewpoints, whether those take away from  
12 the experience at all or whether -- I'll  
13 leave it there.

14 A. (Kimball) Actually, I think you bring up some  
15 interesting points, because even when you're  
16 in the White Mountains, you can look down and  
17 see like Bretton Woods or Wildcat Ski Area,  
18 some man-made impacts on the landscape. The  
19 interesting part is when you get north of the  
20 White Mountains, that's greatly diminished.  
21 And that is one of the few remaining places  
22 in New Hampshire where that still exists.  
23 That's what this debate is all about, in  
24 part.

1 Q. Does the fact that the Northern Pass  
2 Transmission Project will transmit hydropower  
3 rather than fossil-fuel-generated power make  
4 any difference to you or your members, do you  
5 think?

6 A. (Kimball) Well, I think an interesting answer  
7 to that question is, if this project is not  
8 permitted here, there are, I believe, 46 bids  
9 in the Mass. RFP, and they all have to have  
10 those same attributes. So if this project is  
11 turned down, those attributes are just going  
12 to come from another source. It's not like  
13 if you turn this down, it won't happen. It  
14 will happen. It's a question of who's going  
15 to do it and what impact that one is going to  
16 have.

17 Q. Thank you. I have nothing further.

18 CHAIRMAN HONIGBERG: Mr. Wright.

19 QUESTIONS BY DIR. WRIGHT:

20 Q. Good morning, folks. Craig Wright with DES.

21 Dr. Kimball, I think my questions are  
22 few. I was trying to follow the discussion  
23 that you and Mr. Needleman were having on  
24 Appendix 2, and I just wanted to see if I

1 understand the math correctly here.

2 You started with 82 resources that you  
3 believe the Applicant missed.

4 A. (Kimball) Right.

5 Q. You narrowed it down today to 50, I believe.

6 A. (Kimball) Correct.

7 Q. Okay. Mr. Needleman went through a series of  
8 questions with you, starting with your 82.  
9 He identified, I think, 14 that Mr. DeWan did  
10 look at. Did you agree that Mr. DeWan did  
11 look at those 14 in getting to your 50?

12 A. (Kimball) I don't think we put ours side by  
13 side, but let me --

14 Q. Okay. That's what I'm trying to understand  
15 is what the side-by-side comparisons are.

16 A. (Kimball) Yeah. I mean, we did take -- you  
17 know, when they came back and provided more  
18 information in their April supplemental  
19 prefiled, we went back and looked at that.  
20 That's part of what made us remove some of  
21 these because they were presenting some  
22 additional information that was not available  
23 before. So we looked at that and we agreed  
24 with them, and that's part of what we did to

1           remove some of the ones that we put in.

2   Q.    Okay.  So you agreed with some of their  
3           analysis, that they did look at them, and  
4           that's how you got down to your 50.  Or did  
5           you combine some other resources or combine  
6           some together as well?

7   A.    (Kimball) Well, yeah.  In some of these --  
8           let me just give you a quick example, if I  
9           can find it quick.

10                Well, like the Goldstar sod farm, they  
11           say it's a conservation easement,  
12           privately-owned dairy farm.  When we went and  
13           looked at this, we disagreed with them  
14           because there's a snow machine trail that  
15           crosses that.  It's not unusual that ag lands  
16           may serve another purpose.  They took the  
17           blanket "it's ag, it's out."

18   Q.    Okay.  So when he went through his analysis,  
19           it sounded to me like he got down from 82 to  
20           3.  And you're still at 50, in your opinion?

21   A.    (Kimball) Yeah.

22   Q.    Okay.

23   A.    (Kimball) And I think, you know, we've had  
24           this debate going on for days here.  We might

1 end up being at 37 or we might be back up to  
2 53. The point is there were a number of  
3 them, like Phillips Brook, et cetera, that  
4 were obvious that were based on the way they  
5 applied the public water list. I mean,  
6 there's a number of these that just should  
7 have been there that weren't.

8 Q. Okay. So, in summary, then, I think the bulk  
9 of the differences are probably how we define  
10 "public access"?

11 A. (Kimball) On the historic.

12 Q. On the historic. Okay.

13 A. (Kimball) But only on the historic.

14 Q. Okay. Thank you.

15 CHAIRMAN HONIGBERG: Mr.  
16 Oldenburg.

17 MR. OLDENBURG: Thank you.

18 QUESTIONS BY MR. OLDENBURG:

19 Q. One of the things that the AMC does, one of  
20 the many things AMC does, is publishes guides  
21 and maps; correct?

22 A. (Kimball) That's correct.

23 Q. And I think, Mr. Garland, you say you worked  
24 on the maps.

1 A. (Garland) That's a major responsibility of my  
2 job is to produce the recreational trail maps  
3 for the AMC-published guide books.

4 Q. And if I remember right, the guide books have  
5 information about each trail, like length,  
6 grade increase, difficulty. And view is one  
7 of them; correct?

8 A. (Garland) Oftentimes views are described if  
9 they're of interest, yes.

10 Q. Have either of you or any of you worked on  
11 rating those views for the guide books?

12 A. (Garland) I have not. And I will clarify  
13 that the narrative in the guide book, the  
14 text is written by someone else. That's not  
15 written by me. But I do know the person that  
16 writes the narrative, and oftentimes we talk  
17 about a trail and exchange notes and  
18 opinions. So we will talk about perhaps  
19 whether a viewpoint that existed years ago  
20 may or may not still have the same visual  
21 quality, if you will, because as we have  
22 discussed earlier, trees over time grow up,  
23 and over time they blow down. So, views are  
24 dynamic and they can change. So, with each

1 new addition of the guide book, that kind of  
2 information is being reviewed and updated.

3 Q. Is there a set criteria that you use to rate  
4 the views, or is it, you know, many people  
5 get together and offer personal preferences?

6 A. (Garland) No, I think it's probably the "wow"  
7 factor, whether it's something that would  
8 attract people, or if you're hiking along a  
9 trail, they might want to take a moment to  
10 pause and appreciate that view as they're  
11 going by.

12 Q. So, nothing like the criteria you used to  
13 rate the views --

14 A. (Kimball) Actually, if I could just add  
15 something here. I think you're seeing an  
16 evolution in that direction. We currently  
17 have a project in the Greater Philadelphia  
18 Area looking at the trails there and then  
19 going out and asking which of the  
20 privately-owned lands now are offering the  
21 views that make those trails enjoyable, to  
22 prioritize those so that they will be  
23 protected into the future. And that's driven  
24 in part because with the LIDAR data, et



1           cetera, that's now becoming available. We  
2           are actually using LIDAR there. So I think  
3           you're going to see more and more in that  
4           direction.

5                        But you know, relative to the question  
6           you asked Mr. Garland, I think when you read  
7           it, because a lot of our trails are "green  
8           tunnels," for all practical purposes, they're  
9           normally identifying where you can get up to  
10          a prominent point to get the view. It has  
11          never been intended to rank views, this one  
12          is better than the other.

13   Q.    All right. That's all I have. Thank you.

14                               CHAIRMAN HONIGBERG: Mr.  
15           Iacopino.

16                               MR. IACOPINO: Thank you.

17   QUESTIONS BY MR. IACOPINO:

18   Q.    I'm going to actually direct the first  
19          question to Mr. Thayer because I think he was  
20          the best person to answer Ms. Weathersby's  
21          question, which I don't think actually got  
22          answered.

23                        Do you receive comments from the folks  
24          that use your facilities regarding the

1 existing man-made elements in the landscape?  
2 Dr. Kimball referred Ms. Weathersby to areas  
3 north of the White Mountains. But with  
4 respect to your assets where you work, is  
5 that a common refrain that you hear from  
6 hikers and climbers and folks that use your  
7 facilities?

8 A. (Thayer) I wouldn't say it's common. I mean,  
9 we get folks who arrive at the Highland  
10 Center who are amazed with the size of the  
11 Mount Washington Hotel and Resort and the  
12 landscape. And I don't think they confuse us  
13 before they arrive at the Highland Center.  
14 But that does sort of strike them as an  
15 example. I've heard that before about the  
16 Mount Washington Auto Road as well, the  
17 eastern slopes of Mount Washington over to  
18 Pinkham Notch.

19 Q. Okay. And then my other question is for Mr.  
20 Garland.

21 You had mentioned the two different  
22 databases, the NCED, and then you mentioned  
23 using a state database. Is that the New  
24 Hampshire Granit database that you're talking

1 about?

2 A. (Garland) It's the database that's  
3 distributed through the Granit web site, yes.  
4 But to be clear, Granit does not compile that  
5 database. They're simply the archiver that  
6 distributes it.

7 The data, it's interesting how that data  
8 comes together. There's a very strong  
9 coalition of people within the state of New  
10 Hampshire that contribute to that database.  
11 And it's encouraged through very strong  
12 activity in the University of New Hampshire  
13 Cooperative Extension, for example. They  
14 host the annual Land Trust Conference in the  
15 state of New Hampshire. Discussion about  
16 that data is always important and popular  
17 among people that participate in those  
18 conferences, whether they be land trusts or  
19 town conservation commissions or other  
20 agencies, because they all rely on that data  
21 to do their work. So there's a very strong  
22 sense of obligation to contribute data to  
23 that database, to review it and make sure  
24 it's up to date.

1 Q. And you compared the -- in your analysis, you  
2 compared that in the NCED they indicated it  
3 was -- for 60 percent of the conservation  
4 properties in New Hampshire, it was unknown  
5 whether there was public access. And in the  
6 state database, that figure is 29 percent.  
7 Am I correct in understanding that was the  
8 comparison that you did?

9 A. (Garland) Yes. That's the way -- if you look  
10 at the database distributed through Granit,  
11 the New Hampshire agency, there is a specific  
12 attribute in that table that says "public  
13 access." So it's -- and some of those  
14 entries say "unknown." But it's an explicit  
15 attribute. It's not inferred or assumed the  
16 way it is in the National Conservation  
17 Easement.

18 Q. But it's an attribute that you were able to  
19 determine that 29 percent of what's contained  
20 in the state database, the public access to  
21 those conservation lands was unknown;  
22 correct?

23 A. (Garland) Twenty-nine percent of conservation  
24 easements. That's not looking at other forms

1 of land that are protected.

2 Q. Okay. Is there a -- could you determine from  
3 that database how much of those conservation  
4 easements actually allow public access?

5 A. (Garland) Well, as I say, for many records  
6 there's an explicit attribute that says  
7 public access is or is not allowed. But for  
8 those that access is unknown, it may be  
9 simply that it's not reported by the easement  
10 holder.

11 Q. So you say there is an attribute that says  
12 public access is allowed. What percentage of  
13 the conservation easements in that database  
14 indicate that public access is allowed?

15 A. (Garland) I haven't calculated that percent,  
16 but it's easily available. I could do it in  
17 two minutes.

18 Q. And of course, that would be on a statewide  
19 basis, not just the lands that are affected  
20 by Northern Pass.

21 A. (Garland) A simple query could be on the  
22 database as a whole. Or if we clipped it to  
23 the Northern Pass AVPI [sic], we could get a  
24 statistic for that, for the easements in that

1 area as well. It's not a very difficult  
2 exercise at all. It would only take a couple  
3 minutes.

4 Q. But it's not one you chose to do before  
5 preparing your testimony, though.

6 A. (Garland) No. I was concentrating on  
7 comparing the two databases, which is why I  
8 did what I did.

9 MR. IACOPINO: Okay. Thank you.

10 CHAIRMAN HONIGBERG: Are there  
11 any other questions from the Committee?

12 [No verbal response]

13 CHAIRMAN HONIGBERG: Mr.  
14 Plouffe, do you have any redirect?

15 MR. PLOUFFE: I do not, Mr.  
16 Chairman.

17 CHAIRMAN HONIGBERG: All right.  
18 Thank you, gentlemen.

19 We will now break for lunch.  
20 Commissioner Bailey and I have business at  
21 the PUC, so we'll be back here at quarter of  
22 two.

23 (Lunch recess taken at 12:36 p.m. and  
24 concludes the Day 62 Morning Session.

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The hearing continues under separate  
cover in the transcript noted as Day 62  
Afternoon Session.)

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