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STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

November 21, 2017 - 1:52 p.m. DAY 63  
49 Donovan Street AFTERNOON SESSION  
Concord, New Hampshire

{Electronically filed with SEC on 12-6-2017}

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

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

|                             |  |
|-----------------------------|--|
| Cmsr. Kathryn M. Bailey     | Public Utilities Comm.                       |
| Christopher Way, Designee   | Dept. of Resources &<br>Economic Development |
| William Oldenburg, Designee | Dept. of Transportation                      |
| 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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I N D E X

WITNESS: CARL MARTLAND

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P R O C E E D I N G S

(Hearing resumed at 1:52 p.m.)

CHAIRMAN HONIGBERG: Mr.  
Needleman, whenever you're ready.

MR. NEEDLEMAN: Thank you.

CROSS-EXAMINATION

BY MR. NEEDLEMAN:

Q. Good afternoon, Mr. Martland.

A. Good afternoon.

Q. I'm Barry Needleman. I represent the  
Applicant in this matter.

Let me start off with background. My  
understanding is you're an engineer by  
profession; is that right?

A. I'm a engineer in the sense of a systems  
engineer, civil, environmental engineering  
systems, not a professional construction  
engineer.

Q. You don't have a professional real estate  
license, nor have you ever; is that correct?

A. No.

Q. No professional certifications in real estate  
appraisal; is that right?

A. Correct.

1 Q. Never testified on either one of those  
2 topics; is that correct?

3 A. No.

4 Q. No professional experience valuing homes or  
5 real estate --

6 A. Excuse me. You asked --

7 (Court Reporter interrupts.)

8 Q. Why don't we go back to that. Is there  
9 something you wanted to add?

10 A. You asked the question about have you ever  
11 testified in a real estate matter, I believe.

12 Q. No. I said have you ever testified as an  
13 expert in real estate issues or appraisal  
14 issues.

15 A. Okay. Not as an expert.

16 Q. And you don't have any professional  
17 experience valuing homes or changes in real  
18 estate values; is that correct?

19 A. That's correct.

20 Q. And you have no professional experience  
21 preparing visual impact statements; is that  
22 correct?

23 A. That's correct.

24 Q. And no professional experience testifying

1           regarding visual impact issues; is that  
2           correct?

3       A.    I haven't even done that in this case.

4       Q.    So, earlier when Mr. Pappas asked you if you  
5           agreed with experts' opinions regarding  
6           unreasonable adverse effects on aesthetics  
7           and you said did, you're simply offering your  
8           view as a layperson; is that correct?

9       A.    I believe I said I was using their  
10          assessment.  And I guess I mean I was  
11          agreeing with it, yes.

12      Q.    And at the technical session I asked you at  
13          the time you filed your testimony whether you  
14          had reviewed the Applicant's Visual Impact  
15          Assessment or the Visual Impact Assessment  
16          prepared by Counsel for the Public's witness,  
17          and you told me that you did not; is that  
18          correct?

19      A.    That's correct.

20      Q.    And so your initial testimony in no way  
21          accounted for the findings in either one of  
22          those VIAs; is that correct?

23      A.    That is correct.

24      Q.    And earlier today when Mr. Pappas showed you

1 the various view simulations of the Moose  
2 Path Scenic Byway done by the Applicant's  
3 expert, it would also be true, then, that you  
4 in no way relied on those view simulations  
5 when you prepared your testimony; is that  
6 correct?

7 A. I believe I relied on the simulations that  
8 were done for the draft EIS. That's what I  
9 had at the time.

10 Q. But not the ones Mr. Pappas put in front of  
11 you; correct? Those came from the  
12 Applicant's VIA.

13 A. Can Tell you that even for me who hasn't been  
14 here much, the timing when everything was  
15 done is a little bit hazy. I believe I just  
16 had, I believe, the prefiled testimony.  
17 Filed testimony went in after that trip to  
18 the North Country where I took those pictures  
19 or photographs. So some of those may. But I  
20 believe all the ones I used in my KOP  
21 analysis were taken directly from the draft  
22 EIS.

23 Q. Understood. At the time you filed your  
24 initial testimony, you in fact had reviewed

1           that draft EIS; right?

2    A.    Yes, I had.

3    Q.    And so your conclusions regarding visual  
4           impacts at that point, in terms of relying on  
5           documents, were based solely on your reliance  
6           on the draft EIS; is that right?

7    A.    I believe my analysis of the KOP and the  
8           Visual Impact was based upon reviewing the  
9           EIS. My testimony reflected discussions,  
10          many discussions that we had within the North  
11          Country Scenic Byway Council about the effect  
12          of the towers, and my participation and, you  
13          know, other discussions of the towers. There  
14          was a tremendous amount of material available  
15          as to what people perceived as a perception  
16          of the towers.

17   Q.    Understood. Did I hear you say earlier today  
18          that you didn't actually review the final  
19          EIS?

20   A.    I did review portions of the final EIS. I  
21          didn't review the whole document, of course,  
22          but...

23   Q.    All right. I have a question about that, and  
24          you can tell me whether you looked at this

1           portion or not.

2                    Are you familiar with the fact that in  
3           the final EIS there was a road-based analysis  
4           done of potential effects?

5   A.    Yes.

6   Q.    And in fact, I think that this road-based  
7           analysis that was added to the final EIS was  
8           included, in part, based on comments that you  
9           filed in response to the draft EIS; is that  
10          fair to say?

11   A.    Yes.  I believe for the roads, they went to  
12          the aggregate impact as opposed to the  
13          average impact.

14                   MR. NEEDLEMAN:  So, Dawn, I  
15          want to pull up Applicant's 205, which is the  
16          final EIS, and we're going to look at Table  
17          4-75 there.  So it's at the bottom of the  
18          page, if you could highlight that, please.

19   BY MR. NEEDLEMAN:

20   Q.    This is that roads-based analysis for the  
21          proposed alternative in the final EIS; is  
22          that right?

23   A.    That's right.

24   Q.    And if you look at the second line down, it



1           talks about "average visual magnitude." Do  
2           you see that?

3       A.    Yes.

4       Q.    And for existing conditions, it rated it as  
5           2.16, which was parenthetically set as "low"  
6           to "moderate." Do you see that?

7       A.    Yes.

8       Q.    And if you move further over, it shows the  
9           proposed alternative, which is Alternative 7,  
10          and it rates it as 2.53, and it still  
11          considers it "low" to "moderate"; is that  
12          correct?

13      A.    That is correct, but misleading, because in  
14          the existing conditions for 22 miles the  
15          impact is none.

16      Q.    So I take it, then, you are saying you  
17          disagree with the conclusion in the final EIS  
18          regarding this issue.

19      A.    I didn't say that. What I said is that in  
20          that line of that table, the 2.53 refers to  
21          43 miles of road, and the 2.16 compares to  
22          21 miles, no inclusion on that line.

23      Q.    Right. So, in fact, it's actually -- in the  
24          final version it's adding the additional

1 roads, and it's still finding the same type  
2 of impact; isn't that correct?

3 A. It says that you have doubled, more than  
4 doubled the impact. And in the area that was  
5 added, you added 22 miles. And you more than  
6 doubled the impact because the average has  
7 gone from 2.16 to 2.53.

8 Q. Let me ask it this way, Mr. Martland: In  
9 both cases, existing conditions and with the  
10 proposed project, the conclusion here is that  
11 the average visual magnitude will be low to  
12 moderate. Do you agree with that conclusion?

13 A. No -- well, the average visual magnitude  
14 would be low to moderate.

15 Q. Simple question: Do you agree with that  
16 conclusion?

17 A. Where exactly is this conclusion?

18 Q. It's right on the screen in front of you from  
19 the final Environmental Impact Statement.

20 A. That's not a conclusion. The result is the  
21 average visual magnitude increases from 2.16  
22 to 2.53. That's a result.

23 Q. That's correct. And in both cases it says  
24 it's low to moderate. And my question to you

1 is --

2 A. That is also correct. That is also not a  
3 conclusion.

4 Q. In your initial testimony, Historic No. 12,  
5 on Page 8 you mention several scenic byways  
6 that were of particular concern to you: The  
7 Presidential Range Trail, the Woodland  
8 Heritage Trail, the Moose Trail, the River  
9 Heritage Trail. Does that sound familiar?

10 A. That's Page 8 of my prefiled?

11 Q. Yes, your initial testimony.

12 A. Yes.

13 Q. And I take it that you're referencing those  
14 because those are ones that are -- those are  
15 either examples or ones of particular concern  
16 to you that you wanted to be sure were  
17 evaluated; is that correct?

18 A. That refers to overhead lines crossing scenic  
19 byways in the region. And the other trails,  
20 the River Heritage Trail and the White  
21 Mountains Trail, are not crossed by --

22 Q. And because this was your original testimony  
23 filed on November 15th, when you wrote this  
24 particular section focusing on these

1 resources, you weren't aware of the fact that  
2 the Applicant had actually evaluated all of  
3 these resources; is that correct?

4 A. Are you saying had I read Mr. DeWan's  
5 testimony where he evaluated these resources?

6 Q. What I'm saying is you told me earlier that  
7 prior to preparing this testimony you didn't  
8 look at DeWan's VIA. And so is it correct to  
9 say that because you did not look at his VIA  
10 when you wrote this, you weren't aware that  
11 Mr. DeWan actually did evaluate all these  
12 resources?

13 A. Well, I did hear from a number of people who  
14 had been in these hearings that Mr. DeWan was  
15 evaluating and was referring to scenic roads  
16 again and again. To that extent, I was  
17 probably aware. I don't remember the exact  
18 dates.

19 MR. NEEDLEMAN: Dawn, can we  
20 call up -- what's the exhibit number?

21 MS. GAGNON: 444.

22 BY MR. NEEDLEMAN:

23 Q. Exhibit 444. So what I did here is I  
24 captured the four resources of concern to

1           you, and then I highlighted exactly where in  
2           Mr. DeWan's Visual Impact Assessment he  
3           addressed these four specific resources. And  
4           just to be clear, with respect to each one of  
5           these, when you wrote this, you weren't aware  
6           that Mr. DeWan evaluated these resources and  
7           reached conclusions about them; is that  
8           right?

9        A.    No. As I said, I was aware that he had  
10       evaluated them and reached conclusions. What  
11       I said is I had not read his evaluation or  
12       his conclusions.

13       Q.    Okay. And were you aware that Mr. DeWan and  
14       Ms. Kimball, in April of 2017, supplemented  
15       their testimony?

16       A.    Yes.

17       Q.    Did you review that supplement?

18       A.    I either quickly skimmed it or did not. I  
19       did not review it in detail.

20       Q.    So, looking at your supplemental testimony,  
21       which is Historic Exhibit 13, and I'm  
22       focusing on Page 4, No. 1 -- let me know if I  
23       need to slow down -- but you said at the  
24       bottom of that, you said that representatives

1           showed a photo simulation -- representatives  
2           of Northern Pass showed a photo simulation of  
3           a steel lattice structure near Hall Stream  
4           Road during a site visit, but it was not  
5           included in Mr. DeWan's testimony. Do you  
6           see that?

7    A.    Yes.

8    Q.    Are you aware of the fact that it was  
9           actually included in Mr. DeWan's supplemental  
10          testimony as Photo Simulation 8-5?

11   A.    I guess I was not.

12   Q.    And on the bottom of Page 7 of your  
13          supplemental testimony --

14   A.    Excuse me. My testimony was submitted in  
15          March, and you said he submitted his in  
16          April? If that's the correct chronology,  
17          then I obviously was not aware of it.

18   Q.    Right. I'm asking you if you are aware of it  
19          now.

20   A.    Yes. You just told me.

21   Q.    Well, I'm just assuming. That's why I asked  
22          if you read his supplemental testimony,  
23          because I assume if you were aware of it, you  
24          might have corrected it. But I'm just trying

1 to establish the time line.

2 So let me go back to the bottom of  
3 Page 7 of your supplemental testimony. It  
4 says the question is, "Can you give an  
5 example of something that was left out?"  
6 referring to the above DeWan's report, and  
7 you said, "DeWan did not include a single  
8 simulation of any structure that would be  
9 visible from a distance of less than 1,000  
10 feet." Do you see that?

11 A. Yes, I do.

12 Q. And we talked a moment ago about the one on  
13 Hall Stream Road, which I think is within  
14 800 feet. But I wanted to -- well, before I  
15 do this, I assume that you said this because  
16 you considered that to be a significant  
17 issue, that he didn't include one within  
18 1,000 feet; right?

19 A. That's correct.

20 Q. And I would assume that because you  
21 considered it to be a significant issue, the  
22 lack of any within 1,000 feet is something  
23 that you would be especially critical of  
24 DeWan for not evaluating; is that right?

1 A. That is correct.

2 Q. So let's call --

3 MR. NEEDLEMAN: Dawn, is this  
4 445?

5 MS. GAGNON: 443.

6 Q. -- 443. In fact, we went back and we looked  
7 at DeWan's VIA and identified at least five  
8 photo simulations that are all within 1,000  
9 feet, and they're actually all less than  
10 700 feet away. And I guess my question is:  
11 At any point in this process did you come to  
12 learn of these view sims?

13 A. No.

14 Q. So, now that you're aware of these, does that  
15 change your testimony on the bottom of  
16 Page 7?

17 A. No. My testimony on the bottom of Page 7 was  
18 responding to the question you asked me in  
19 the technical session which was referring to  
20 Mr. DeWan's original testimony. It does not  
21 say I was responding to anything in his  
22 supplemental prefiled testimony. If you want  
23 me to respond to these, I haven't seen these  
24 pictures. And if I had the time to look, I'd



1           be happy to respond. But --

2   Q.    I think, Mr. Martland, I'm focusing on the  
3           question that you were asked in your  
4           supplemental testimony in March. And the  
5           question you were asked is, can you give  
6           examples of things that were left out? And  
7           you testified DeWan did not include a single  
8           simulation of any structure that would be  
9           visible from a distance of less than 1,000  
10          feet.

11   A.   That's correct. And if you read the  
12          beginning of my testimony, I was referring to  
13          your question that you asked me in a  
14          technical session, had I read Mr. DeWan's  
15          testimony. And since that was months before  
16          he filed the prefilled [sic] testimony, I was  
17          clearly referring to what was in the original  
18          testimony, which is what I read in detail in  
19          response to your request and I gave you  
20          detailed responses. I did not respond to his  
21          supplemental yet.

22   Q.    However we got there, this is the testimony  
23          that you've sworn to and adopted today. And  
24          my question to you is: Now that you've been

1           made aware of these five examples, do you  
2           still stand by that testimony?

3       A.     If these examples were in his supplemental --

4       Q.     They were not in his supplemental. This is  
5           the original VIA.

6                               MS. WALKLEY: That's the  
7           February update.

8       BY MR. NEEDLEMAN:

9       Q.     Okay. I apologize. My mistake. It was not  
10           the original VIA. It was the February  
11           update.

12      A.     I did not read the February update. I was  
13           not aware there was a February update.

14      Q.     But you would agree with me the February  
15           update was available to you before you filed  
16           your March testimony.

17      A.     Well, yes. But as you keep reminding us all,  
18           I am not a visual impact expert. So I'm not  
19           sure why I'm being asked about all these  
20           visual impact assessments. What I said was,  
21           in the original set of photo simulations that  
22           were in Mr. DeWan's initial testimony, before  
23           it was revised apparently in February and  
24           supplemented later on, I did not find what

1 I'm quoting, "a single simulation of any  
2 structure that would be visible from a  
3 distance of less than 1,000 feet."

4 Q. You attached to your supplemental testimony  
5 various view simulations from the draft  
6 Environmental Impact Statement; is that  
7 right?

8 A. Correct.

9 Q. And I think you actually looked at a number  
10 of those this morning with Mr. Pappas; is  
11 that right?

12 A. Correct.

13 Q. And these were views that you included in  
14 your testimony as having what you understood  
15 to be unreasonable adverse effects on  
16 aesthetics; right?

17 A. They included the characterization as  
18 "adverse," "unreasonably adverse" or  
19 whatever. It was not my characterization.  
20 That was taken directly from the draft  
21 Environmental Impact Statement.

22 Q. At the time you filed your supplemental  
23 testimony, were you aware of the fact that  
24 many of those view sims that you included

1           were for Alternatives 2 and variations of  
2           Alternative 5, which are not the proposed  
3           project at issue here?

4    A.    Yes.

5    Q.    And is there anyplace in your testimony where  
6           you actually explain that those view sims had  
7           no bearing on this current proposal?

8    A.    I didn't explain that because that's not  
9           true.  The photo sims have a bearing because,  
10           the way I presented them, I said that you  
11           could use the KOP analysis, the ones that  
12           were used in the draft EIS -- and I may have  
13           included some others from the final EIS --  
14           could be used to compare to any site where  
15           there would be a visual impact of a tower.  
16           So the KOP analysis, when organized properly,  
17           would allow someone to look out at their  
18           perspective, from their house or their  
19           roadway or scenic byway, overlook or anyplace  
20           and say, well, there's three towers going  
21           across a field, and it's 700 feet away.  
22           That's likely to have an unreasonable adverse  
23           impact unless it's blocked by a hill or, you  
24           know, big building or something else.

1 MR. NEEDLEMAN: Let's call up  
2 Applicant's 352, Dawn.

3 BY MR. NEEDLEMAN:

4 Q. So what I've done is pulled together a  
5 collection of some of the photos sims that  
6 were included in your supplemental testimony,  
7 and I want to walk through them. This is one  
8 that Mr. Pappas showed you this morning.

9 A. That's correct.

10 Q. And I didn't hear you at that time explain  
11 that this is actually a photo simulation of a  
12 portion of the route which is now  
13 underground. Is that correct?

14 A. That's correct.

15 Q. So when we look at this photo simulation,  
16 that simulation has nothing to do now with  
17 the proposal that's before the Committee;  
18 right? That doesn't represent the current  
19 proposal.

20 A. I believe this morning I said you would not  
21 get that view in New Hampshire, with the  
22 possible exception -- I mean, you wouldn't  
23 get a roadside view like that except from the  
24 Auto Road or the Weeks Estate.

1 MR. NEEDLEMAN: Let's go to  
2 the next one, Dawn.

3 BY MR. NEEDLEMAN:

4 Q. This is another one that was included in your  
5 materials. These are from Interstate 93 near  
6 Woodstock. Again, the Project is underground  
7 through this area. So that doesn't represent  
8 the proposal that's before the Committee; is  
9 that correct?

10 A. That is correct.

11 MR. NEEDLEMAN: Next one,  
12 please, Dawn.

13 BY MR. NEEDLEMAN:

14 Q. Again, this one is, I think it says on the  
15 side, I'm not sure, new Hampton. No?

16 MS. WALKLEY: Easton.

17 A. Easton.

18 BY MR. NEEDLEMAN:

19 Q. Easton. I'm sorry. I missed that. So this  
20 is the original proposal to go overhead  
21 through Easton, not too far from what was  
22 originally proposed near your home in Sugar  
23 Hill. Of course, this doesn't represent the  
24 current proposal either; is that right?

1 A. This location does not represent the current  
2 proposal. This type of location would be  
3 what you would find, say east of Lancaster,  
4 on I think it's called North Road, and in  
5 Stark, on Northside Road, where you have a  
6 row of towers going across a field. And the  
7 intent of this whole approach is to say, if  
8 Northern Pass is proposing to build something  
9 like this across your field, then the visual  
10 impact will very likely be unreasonably  
11 adverse when evaluated by a VIA expert.

12 Q. Don't you think it would be more appropriate  
13 to actually look at view sims from the  
14 specific locations rather than pull out  
15 generic view sims and speculate how they  
16 might look in those locations?

17 A. I think when you are hired by a firm with  
18 unlimited resources, the answer to that  
19 question might be yes. When you are a  
20 volunteer putting in hundreds of hours in  
21 order to fight this project, the answer is  
22 no.

23 MR. NEEDLEMAN: Dawn, could we  
24 have the next one, please?

1 BY MR. NEEDLEMAN:

2 Q. Again, this is another view sim included in  
3 your materials where the Project is now  
4 underground. So this doesn't depict what's  
5 in front of the Committee; is that right?

6 A. That's correct.

7 MR. NEEDLEMAN: And Dawn, one  
8 more, please.

9 BY MR. NEEDLEMAN:

10 Q. Same issue here; is that correct?

11 A. It's the same view you would have where the  
12 towers cross the trail, which is why it is in  
13 my testimony.

14 Q. And you also included some view sims where  
15 the Project is overhead, but you didn't  
16 reflect the current structure configuration.

17 So let's go to the next one. I want to  
18 ask you about that. This is at Loudon Road.  
19 And you've got a structure configuration  
20 there which is lattice. Are you aware of the  
21 fact that that's not the current proposal  
22 here?

23 A. I'm aware of the fact that in many cases the  
24 Northern Pass has suggested slightly



1 different structures, slightly different  
2 locations, slightly different alignments.

3 Q. So would you agree with me that with respect  
4 to the five view sims that I just showed you,  
5 not counting this Loudon Road one, where the  
6 Project is now underground in all of those  
7 locations, the visual impacts that would have  
8 resulted from the view sims that you included  
9 in your testimony have now been completely  
10 eliminated?

11 A. The purpose of that portion of my testimony  
12 was to show the impacts of certain types of  
13 situations. That particular presentation,  
14 that series of slides you've shown, could be  
15 used for a project in Montana or Rhode Island  
16 or Tennessee. The fact that they are no  
17 longer part of the Northern Pass Project is,  
18 in the terms of my testimony, irrelevant.

19 Q. Let's go back to my question, Mr. Martland.

20 A. Okay.

21 Q. Again, with respect to those five locations,  
22 would you agree with me that, now that the  
23 Project is underground in all of those areas,  
24 the visual impacts in those specific

1 locations have now been eliminated?

2 A. If you bury the Project or move it from these  
3 locations, you will have no visual impact  
4 from the towers. If you're expanding a  
5 right-of-way or knocking down stone walls or  
6 rows of pine trees by burying it, then you  
7 will have some different kind of impact.

8 Q. One other set of questions. Earlier today,  
9 Ms. Saffo was speaking to you about the White  
10 Mountain Northern Loop. Do you recall that?

11 A. The White Mountain Trail?

12 Q. She put up something from the Scenic Byway  
13 that referred to it as the "White Mountain  
14 Northern Loop." Do you remember that?

15 A. Oh, yes.

16 Q. And she talked about the views from this loop  
17 being "gorgeous" and made reference to the  
18 "Frost Home." Do you recall that?

19 A. Yes.

20 Q. And this is another example of where the  
21 Project is now underground, and so the visual  
22 impacts that might have resulted from it  
23 being overhead in this area have now been  
24 eliminated; is that right?

1 A. That is correct.

2 Q. Okay. Thank you, Mr. Martland. I have  
3 nothing further.

4 CHAIRMAN HONIGBERG: Members  
5 of the Committee, who has questions for Mr.  
6 Martland? Ms. Weathersby.

7 QUESTIONS BY SUBCOMMITTEE MEMBERS AND SEC COUNSEL:

8 BY MS. WEATHERSBY:

9 Q. Couple quick questions. Do you consider  
10 scenic drives and rides to be tourism  
11 destinations?

12 A. Yes.

13 Q. And in your opinion, does a scenic road in  
14 New Hampshire have to be designated as a  
15 "scenic ride or drive" to be a tourist  
16 destination?

17 A. No.

18 Q. I notice in the DOT web site that was up  
19 there was a spot where people could nominate  
20 a scenic drive and had to fill out a form and  
21 the route and all that.

22 So my question is: Do you know of any  
23 additional cultural or scenic byways that are  
24 under consideration by DOT or the North

1 Country Scenic Byways Council?

2 A. I know that there was one. I'm not sure if  
3 I'll get the name right. But there was one  
4 in the southern portion of the state that was  
5 extended from one town into a second town  
6 last June. I don't remember the name of the  
7 byway, but it was a new one last year. And I  
8 believe there are applications for some new  
9 ones right now.

10 Q. Do you know if any of those involve the areas  
11 where the Northern Pass Transmission Project  
12 is proposed?

13 A. I don't know.

14 Q. Okay. If built, do you believe that the  
15 Northern Pass Project could cause any scenic  
16 byway to be de-designated or have otherwise  
17 affected its listing?

18 A. I think there are two kinds of effects. This  
19 Committee has often heard about the  
20 "construction period effect" and then the  
21 "long-term effects." So the construction  
22 will be a major issue from the entire burial  
23 portion, because from Bethlehem down to  
24 Plymouth it almost is entirely in scenic

1 byways. And portions of that, especially I  
2 think in Easton, there's a danger that the  
3 burial moves off the right-of-way and you  
4 take down pine trees, stone walls,  
5 100-year-old lilacs and things like that. So  
6 there's a danger that some of what is really  
7 scenic there will be gone. So that's  
8 certainly a disruption for the businesses  
9 along the route for a couple of years.

10 The long-term effect is it's a small  
11 [sic] detriment to the scenic quality of New  
12 Hampshire, that if you put in a gash 200 feet  
13 wide for 120 -- well, 40 new miles up north  
14 and expanding it below, you are certainly  
15 having a major impact on the scenery of New  
16 Hampshire. Will nobody climb Mount  
17 Washington after that? Of course people will  
18 come. Will nobody go to Weeks State Park?  
19 Of course they will go. Will the busloads  
20 come here in the fall? All those things are  
21 true. But that busload of people going on  
22 their three-day trip see these towers six or  
23 seven times will ask, you know, "What's going  
24 on? I thought this was wild New Hampshire."

1           So I think one of the experts said there  
2           will be a .15 percent reduction in tourism,  
3           which could actually lead to an impact that  
4           would amount to many millions of dollars, and  
5           where it will have the biggest impact is on  
6           second homes and retirees.

7    Q.    But the presence of the towers, say in the  
8           North Country along a scenic byway, it's  
9           probably not a tipping point to begin a  
10          process to de-designate that as a scenic  
11          byway. I think you said, you know, 1,000  
12          cuts, the "death by 1,000 cuts" analogy.

13   A.    Right.

14   Q.    But it just will degrade the experience, in  
15          your opinion.

16   A.    The lines going across the ridge a half-mile  
17          away is a degradation. If you drive across  
18          the boarder and go up to Canada where you  
19          have two or three lines continuing for  
20          20 miles glistening in the setting sun, that  
21          would prevent that road I think from ever  
22          being called a scenic byway.

23   Q.    Thank you.

24                                   CHAIRMAN HONIGBERG: Mr. Way.

1 QUESTIONS BY MR. WAY:

2 Q. Mr. Martland, just to follow up on that last  
3 question. For de-designation, is the  
4 criteria written down anywhere that would  
5 cause the de-designation process?

6 A. There are the rules of the New Hampshire  
7 Scenic Byway Committee is what you would want  
8 to look at. That's accessible through the  
9 web site that Ms. Saffo showed. And I think  
10 there were three conditions. One is if the  
11 municipality doesn't want it, then the New  
12 Hampshire Council will say, okay, no. And I  
13 don't believe that has ever happened.

14 Q. Why would a municipality not want it?

15 A. The only reason I can think of is if they  
16 have -- the residents decided they want to  
17 put up a hundred billboards and they couldn't  
18 do it because it was called a scenic byway.  
19 And I don't think there's reason why someone  
20 that had a scenic byway would want to  
21 downgrade it.

22 The second is a situation like I  
23 mentioned from Berlin to West Milan. If you  
24 drive 110 out of Berlin, it's not just that

1           you have a lot of retail and auto sales type  
2           of stuff, it's completely filled on both  
3           sides of the road and parking lots and trucks  
4           parked there. You know, it's part of the  
5           economy of the region. It's nothing against  
6           the City of Berlin to have an area where  
7           there's a people working all the time. But  
8           there's no scenery. I think the criteria in  
9           the rules say that if there are more than  
10          five industrial or commercial establishments  
11          per mile, then that could be considered a  
12          detriment.

13        Q.    Can I assume, too, that in the rules there's  
14           a process for review and --

15        A.    Yes.

16        Q.    -- periodic review?

17        A.    Exactly. If there is some question, then it  
18           would be -- oh, go back.

19                    The third reason -- so, the first reason  
20           is the town doesn't want it. The second  
21           reason is that it gets so developed that, say  
22           my council in the North Country, the North  
23           Scenic Byway Council, says this is no longer  
24           appropriate.



1           The third reason is if there's no longer  
2           what's called a "management entity," some  
3           group that can provide information and answer  
4           questions about it, and there is not a  
5           corridor management plan for it. So as long  
6           as you have a plan and there's an active  
7           group that's reporting and you're in contact  
8           with DOT and the New Hampshire Scenic Byway  
9           Council, everything is copacetic.

10           Somebody can recommend that a road be  
11           de-designated or that it be considered for  
12           de-designation, but the decision can only be  
13           made by New Hampshire Scenic Byway Council.  
14           They act with authority. But they must  
15           involve the municipalities and the management  
16           entities, and if there's a group like North  
17           Country Council that would be involved.

18   Q.    One last question. I noticed on the  
19           application on the DOT site, that's a pretty  
20           in-depth application.

21   A.    Yes.

22   Q.    Has it always been that way?

23   A.    I don't know for sure. I know that at the  
24           beginning, sometime in the late '90s, they



1 A. Oh, I don't recall.

2 Q. Okay.

3 A. We saw the list. I didn't --

4 Q. All right. Are you aware of any lattice  
5 structures that are going to be located on or  
6 near the road in the North Country, somewhere  
7 in the North Country, or are those truly just  
8 examples of if they're near the road, this is  
9 what they're going to look like?

10 A. I believe that you go to places like crossing  
11 the Northside Road in Stark and North Road  
12 leading toward Lost Nation Road in Lancaster,  
13 these are highly scenic roads where the leaf  
14 peepers might go and casual visitors might  
15 go. You would have situations where there  
16 are towers. And whether they're towers or  
17 monopoles, at close range it's not going to  
18 make a tremendous difference. So I think  
19 there are locations throughout the North  
20 Country that are similar to the simulations  
21 that I had shown.

22 Q. Okay. I want to understand a little bit  
23 better about your idea about the aggregate of  
24 the visual impacts rather than the average.

1           And when you were talking with Mr. Pappas, he  
2           quickly took you through something, and you  
3           said you looked at the miles of road that had  
4           exposure to the existing transmission lines,  
5           and you compared that to the miles of  
6           exposure of roads if the Project is approved,  
7           and you took the difference between those two  
8           and you multiplied it by something; is that  
9           right?

10          A.    Right.

11          Q.    What did you --

12          A.    You want me to go through that again?

13          Q.    No.  Well, if that's all right, tell me what  
14                you multiplied it by?

15          A.    In the table that we just saw, I took the  
16                miles of roads, multiplied by the average  
17                scenic impact.  So it's 20 miles times 2.16  
18                in the base case.  And then --

19          Q.    Wait, wait.  And 2.16 was?

20          A.    The average scenic impact --

21          Q.    Which was --

22          A.    -- along those roads.

23          Q.    -- weak or whatever?

24          A.    That was low or low to moderate.

1 Q. Okay.

2 A. And then we said, okay, we now have expand --  
3 put the Project in and you're going to see  
4 the towers from more places. So, instead of  
5 20 miles, now it's 45 miles. So we take 45  
6 and multiply it by the new average, which was  
7 2.53. So we started at, call it 20 times 2  
8 gives you 40, and now we're changing to 40  
9 times 2-1/2, which is a 100.

10 Q. Okay.

11 A. So if you look at the aggregate measure, you  
12 see things are more than doubling. That's in  
13 the aggregate. But if you look at the  
14 average, it could even -- it could be the  
15 same.

16 Q. I understood that point. Thank you. Okay.  
17 I think that's all I have. Thank you.

18 A. Okay.

19 CHAIRMAN HONIGBERG: Are there  
20 other questions from the Subcommittee? Mr.  
21 Oldenburg.

22 MR. OLDENBURG: I do.

23 QUESTIONS BY MR. OLDENBURG:

24 Q. Just one question about the simulations that

1           you included. Some of the pictures -- I get  
2           the North Country. I can see the impact.  
3           But like the Loudon Road picture that you  
4           included, the configuration being right or  
5           wrong, and then also the towers running up  
6           I-93, the expectation is different in those  
7           settings, isn't it? In the North Country,  
8           yeah, you're on a scenic drive, you're  
9           leaf-peeping. But the Loudon Road picture,  
10          you know, you got the Shaw's and the Home  
11          Depot and everything else. The expectation  
12          isn't a scenic expectation. And then driving  
13          along I-93 and seeing the lines up, I'm not  
14          on I-93 for a scenic drive, I don't think.  
15          Am I -- is there a difference?

16        A. Well, my recollection when I used to come up  
17          to climb Mount Washington from Rhode Island  
18          as a kid, when I-93 came in and we could  
19          drive up that for the first time, that was  
20          cited as the most scenic interstate highway  
21          in the country. So there is an expectation  
22          driving up I-93 that it will be scenic.

23                 The other one, the Loudon Road, I guess  
24          that's the one by all the shopping and the

1 double row of towers.

2 Q. Correct.

3 A. Again, the reason I had those KOP simulations  
4 of range is to show what it meant to have a  
5 progression from no impact to weak, to  
6 moderate, to strong, to severe impact. It's  
7 to put an image by it that could be used in  
8 Deerfield, that could be used wherever the  
9 towers are found, you know. And there may  
10 not be many locations like that in the North  
11 Country. And certainly if you have a  
12 location that has all that built-up area,  
13 it's not a scenic area. But it's an impact  
14 for people who are going shopping or driving  
15 by, going home, commuting, whatever. So I'm  
16 not trying to say that was a scenic area.  
17 I'm just trying to show an example of what it  
18 took to get a rating of, you know, I think  
19 that was like 42 or 43 on a scale zero to 45.

20 Q. Because on the picture it's "unreasonably  
21 adverse," the one on Loudon Road. But when  
22 you got up to the view of Dummer Pond, it was  
23 "adverse, probably unreasonable." And that  
24 just in my mind is totally opposite.

1 A. Oh, it should be the opposite. Again, this  
2 is -- Mr. Needleman keeps asking me if I'm a  
3 visual impact analyst, and I keep saying, no,  
4 I am not. But the people who are do study  
5 these, and they look at what they call  
6 "contrast dominance" and look -- they have a  
7 scale, and they say that one across Dummer  
8 Pond had towers sticking up and were visible,  
9 but they weren't dominating. They weren't  
10 that close. So it wasn't like the Loudon  
11 Road one. But when they do -- that's the  
12 visual, the straight visual impact, if I have  
13 this correct.

14 Then there's a second level, and they  
15 say, well, what's the importance of this  
16 site? Is this a scenic area? And there are  
17 two or three criteria that are used. So that  
18 would be one of the other criteria that would  
19 way boost Dummer Pond above the Loudon Road.

20 Q. Okay. All right. Great. Thank you.

21 CHAIRMAN HONIGBERG: Any other  
22 questions from the Subcommittee?

23 [No verbal response]

24 CHAIRMAN HONIGBERG: Mr.



1 Reimers, do you want to help the witness with  
2 redirect?

3 MR. REIMERS: Yes.

4 CHAIRMAN HONIGBERG: Thank  
5 you.

6 REDIRECT EXAMINATION

7 BY MR. REIMERS:

8 Q. Mr. Martland, you've been asked questions by  
9 a lot of different parties and the Committee.  
10 In response to the questions you've been  
11 asked and the answers you've given, do you  
12 have anything that you would like to correct,  
13 clarify or add?

14 A. I would just like to note that there were a  
15 couple questions asked where there was  
16 objections because it wasn't in my testimony.  
17 I think I did have some testimony that said  
18 if the trees grow up, you block the view.  
19 Kind of common sense, but... there was one  
20 other thing which I can't remember.

21 But I guess I would like to thank this  
22 group here because you've been sitting  
23 through this now for 56 or 57 days. I just  
24 had to read the transcripts. I didn't have

1 to sit through this. And I appreciate the  
2 opportunity to come here and answer  
3 everybody's questions.

4 CHAIRMAN HONIGBERG: That's  
5 it, Mr. Reimers?

6 MR. REIMERS: Yes, I'm done.

7 CHAIRMAN HONIGBERG: Just for  
8 the record, it's Day 63.

9 All right. Is there any other  
10 business we need to do before we leave?

11 Thank you, Mr. Martland.  
12 You're excused. But I think since we're  
13 going to be adjourning, just stay where you  
14 are.

15 Like I said, is there anything  
16 else we need to do before we adjourn?

17 [No verbal response]

18 CHAIRMAN HONIGBERG: All  
19 right. Then we'll adjourn and resume --

20 MS. MONROE: December 5th at  
21 1:00 p.m.

22 CHAIRMAN HONIGBERG: -- on  
23 December 5th at 1:00 p.m.

24 (Whereupon the Day 63 Afternoon

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Session was adjourned at 2:34  
p.m., with the Day 64 hearing to resume  
on December 5th, 2017, commencing at  
1:00 p.m.)

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C E R T I F I C A T E

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

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

---

Susan J. Robidas, LCR/RPR  
Licensed Shorthand Court Reporter  
Registered Professional Reporter  
N.H. LCR No. 44 (RSA 310-A:173)

|  |  |  |  |   |
|--|--|--|--|---|
|  | <b>aggregate (4)</b><br>8:12;35:23;37:11, 13       | <b>area (8)</b><br>10:4;22:7;26:23; 32:6;39:12,13,16; 40:16                                  | <b>better (1)</b><br>35:23   | <b>6:11;34:1;38:18</b>  |
| [  | <b>ago (1)</b><br>15:12                            | <b>areas (2)</b><br>25:23;28:10  | <b>big (1)</b><br>20:24  | <b>Can (11)</b><br>6:13;7:24;12:19; 15:4;17:5;31:15; 32:13;33:3,10,12; 38:2     |
| [No (2)<br>40:23;42:17   | <b>agree (5)</b><br>10:12,15;18:14; 25:3,22        | <b>assessment (4)</b><br>5:10,15,15;13:2   | <b>biggest (1)</b><br>30:5   |   |
| [sic] (2)<br>17:16;29:11   | <b>agreed (1)</b><br>5:5                           | <b>assessments (1)</b><br>18:20  | <b>billboards (1)</b><br>31:17   | <b>Canada (1)</b><br>30:18  |
| A  | <b>agreeing (1)</b><br>5:11                        | <b>assessments (1)</b><br>18:20  | <b>bit (2)</b><br>6:15;35:22   | <b>captured (1)</b><br>12:24  |
| <b>above (2)</b><br>15:6;40:19   | <b>alignments (1)</b><br>25:2                      | <b>assume (4)</b><br>14:23;15:15,20; 32:13   | <b>block (1)</b><br>41:18  | <b>case (2)</b><br>5:3;36:18  |
| <b>accessible (1)</b><br>31:8  | <b>allow (1)</b><br>20:17                          | <b>assuming (1)</b><br>14:21   | <b>blocked (1)</b><br>20:23  | <b>cases (3)</b><br>10:9,23;24:23   |
| <b>accounted (1)</b><br>5:21   | <b>almost (1)</b><br>28:24                         | <b>attached (1)</b><br>19:4  | <b>boarder (1)</b><br>30:18  | <b>casual (1)</b><br>35:14  |
| <b>across (6)</b><br>20:21;23:6,9; 30:16,17;40:7                                 | <b>along (4)</b><br>29:9;30:8;36:22; 38:13         | <b>authority (1)</b><br>33:14  | <b>boost (1)</b><br>40:19  | <b>cause (2)</b><br>28:15;31:5  |
| <b>act (1)</b><br>33:14  | <b>alternative (4)</b><br>8:21;9:9,9;20:2          | <b>Auto (2)</b><br>21:24;32:1  | <b>both (3)</b><br>10:9,23;32:2  | <b>certain (1)</b><br>25:12   |
| <b>active (1)</b><br>33:6  | <b>Alternatives (1)</b><br>20:1                    | <b>available (2)</b><br>7:14;18:15   | <b>bottom (6)</b><br>8:17;13:24;14:12; 15:2;16:15,17                                     | <b>certainly (3)</b><br>29:8,14;39:11   |
| <b>actual (1)</b><br>34:13   | <b>always (2)</b><br>33:22;34:12                   | <b>average (11)</b><br>8:13;9:1;10:6,11, 13,21;35:24;36:16, 20;37:6,14                       | <b>build (1)</b><br>23:8   | <b>certifications (1)</b><br>3:22   |
| <b>actually (11)</b><br>7:18;9:23;12:2,11; 14:9;16:9;19:9;20:6; 21:11;23:13;30:3 | <b>amount (2)</b><br>7:14;30:4                     | <b>aware (17)</b><br>12:1,10,17;13:5,9, 13;14:8,17,18,23; 16:14;18:1,13;19:23; 24:20,23;35:4 | <b>building (1)</b><br>20:24   | <b>CHAIRMAN (12)</b><br>3:3;27:4;30:24; 34:16;37:19;40:21, 24;41:4;42:4,7,18,22 |
| <b>add (2)</b><br>4:9;41:13  | <b>analogy (1)</b><br>30:12                        | <b>away (4)</b><br>16:10;20:21;30:17; 34:23  | <b>built (1)</b><br>28:14  | <b>change (1)</b><br>16:15  |
| <b>added (3)</b><br>8:7;10:5,5   | <b>analysis (7)</b><br>6:21;7:7;8:3,7,20; 20:11,16 |  | <b>built-up (1)</b><br>39:12   | <b>changes (1)</b><br>4:17  |
| <b>adding (1)</b><br>9:24  | <b>analyst (1)</b><br>40:3                         | <b>B</b>   | <b>burial (2)</b><br>28:22;29:3  | <b>changing (1)</b><br>37:8   |
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