



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

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Frank J. Delguidice
Chief, Regulatory Division Branch C
New England District, Corps of Engineers
698 Virginia Road
Concord, MA 01742-2751

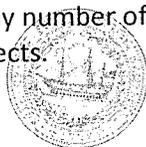
Re: Antrim Wind Farm Project, NAE-2011-196 (RPR #3291)

Dear Mr. Delguidice:

I would like to take the opportunity to respond to your December 28, 2015 letter to Pamela Monroe of the NH Site Evaluation Committee in regard to the above-referenced project. The New Hampshire Division of Historical Resources (SHPO) has many concerns with the statements contained therein regarding the status of the federal Section 106 process.

Guiding federal legislation found at *36 CFR Part 800, Protection of Historic Properties* notes that the state historic preservation officer (SHPO) reflects the interests of the State and its citizens in the preservation of their cultural heritage....the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development." For the Antrim project, of utmost concern are the actions by the US Army Corps of Engineers (Corps) to conclude consultation on the 106 review without obtaining concurrence by SHPO, as required under federal law, and then to present its conclusions as fact to an outside agency. The role of a SHPO is not as an "advisor" to a Section 106 review, as characterized on page 2 of your letter. Instead, a Section 106 review is not complete until the federal agency and SHPO concur on a number of Section 106 findings.

In the December 28, 2015 letter, the Corps acknowledges that for purposes of its wetland permit area review, the entire Antrim Wind Farm project is being evaluated as one permit application. In all past wind projects in New Hampshire, with the Corps acting as lead federal agency under Section 106, the Corps has worked with the SHPO to delineate an Area of Potential Effects (APE) for both direct and indirect effects as required by 36 CFR Part 800.4(a)(1). For the Antrim project, our agencies concurred on an APE that included any physical disturbance areas for the direct APE and a 3-5 mile circumference around the turbines for the indirect APE. This APE was utilized for all archaeological and above-ground identification efforts, as well as for the assessment of effects. In its December 28, 2015 letter, the Corps re-defined the APE, without consultation with the SHPO or with the public. SHPO does not concur with this revision. As our agencies have discussed any number of times, under Section 106, Corps wetland permit areas do not equal Area of Potential Effects.



SHPO agrees that the only remaining historic resource under consultation is the White Birch Point Historic District. However, I would like to clarify that this property has not been "state listed as a historic district." Rather, the SHPO and the Corps concurred that the property is eligible for listing in the National Register of Historic Places during the identification of historic properties for the Section 106 review. And, as you know, under Section 106, a property eligible for listing in the National Register of Historic Places is given equal consideration as properties already listed to the National Register of Historic Places.

On 4/19/2013, SHPO recommended a finding of Adverse Effect to the White Birch Point Historic District for the Antrim project; the Corps disagreed with this finding. On February 20, 2015, the applicant submitted revised plans for the project to this office. After thorough review, SHPO maintained that the revised project would continue to have an Adverse Effect to the White Birch Point Historic District. SHPO therefore also disagrees with the Corps that the proposed revised project would have no potential for an effect on this historic property.

Last month, I requested a meeting with the Corps to resolve our agencies' differing opinions as to this project's effect finding. As of today, no one from your office has responded. Instead, the Corps' letter, with a finding of no potential effects and a recommendation for no further 106 review, was sent directly to the NH Site Evaluation Committee.

The Corps lack of communication with our office is concerning and creates confusion for all parties involved, including the applicant, the NH Site Evaluation Committee, and the public. With improved communication between our agencies, the effects of this project on the White Birch Historic District could have been quickly resolved. Adverse effects to historic properties are addressed through meaningful mitigation that benefits both the project and the public. This could certainly be the case with the Antrim project.

SHPO would like to resolve the dispute with the Corps through continued consultation. However, should the disagreement not be resolved, SHPO will request participation from the Advisory Council on Historic Preservation. Please contact me as soon as possible in order to address the difficulties outlined in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nadine Peterson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nadine Peterson
Preservation Project Reviewer

cc: Pamela Monroe, NHSEC
Drew Kenworthy, Eolian-Energy
Jon Eddins, ACHP