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VIA ELECTRONIC MAIL AND HAND DELIVERY

October 2, 2018

New Hampshire Site Evaluation Committee Pamela G. Monroe, Administrator 21 South Fruit Street, Suite 10 Concord, NH 03301

Re: SEC Docket No. 2015-04: Public Service Company of New Hampshire d/b/a Eversource Energy for a New 115k Transmission Line from Madbury Substation to Portsmouth Substation Submittal of Historic Resources Documents and Supplemental Motion for Protective Order and Confidential Treatment

Dear Ms. Monroe:

On behalf of Public Service Company of New Hampshire d/b/a Eversource Energy, we are submitting herewith the following documents in the above-captioned matter:

- 1. Final Memorandum of Understanding with DHR and the Applicant (which the Towns of Durham and Newington have been invited to join);
- 2. Final Memorandum of Agreement with USACE, DHR and the Applicant (which the Towns of Durham and Newington have been invited to join);
- 3. Desk Review of Archeological Sites on Abutting Properties Off-Corridor Locations in Lee, Madbury and Durham, NH (September 2018) by Victoria Bunker, Inc. (This report identifies 2 cemeteries and one cellar hole site on abutting properties that were all previously identified in a prior reports from Victoria Bunker, Inc.)

The Desk Review of Archeological Sites on Abutting Properties Off-Corridor Locations in Lee, Madbury and Durham, NH (September 2018) and the Phase I-B Supplemental Archeological Survey, Seacoast Reliability Project, Durham Point Road, Durham, NH (Addendum June 2018) previously provided to the Committee as App. Ex 179 contain confidential information regarding the location of archeological sites under RSA 227-C:11. Therefore, we are filing contemporaneously with this submittal a Supplemental Motion for Protective Order and Confidential Treatment requesting confidential treatment of these reports.

We are submitting one paper and a thumb drive containing these documents for the Subcommittee.

SRP – Applicant's Submittal of Historic Resources Documents October 2, 2018 Page 2

Thank you for your consideration of this information and of the Motion for Protective Order and Confidential Treatment. Please contact me directly should you have any questions.

Very truly yours,

adam Smill

Adam Dumville

Enclosure

Cc: SEC Distribution List (w/ MOU and MOA only) Nadine Miler, DHR, Deputy SHPO (w/o enclosures)

THE STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE SEC DOCKET NO. 2015-04

APPLICATION FOR A CERTIFICATE OF SITE AND FACILITY BY PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSROUCE ENERGY FOR A NEW 115 KV TRANSMISSION LINE FROM MADBURY SUBSTATION TO PORTSMOUTH SUBSTATION

<u>APPLICANT'S MOTION FOR PROTECTIVE ORDER</u> <u>AND CONFIDENTIAL TREATMENT</u>

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy (the "Applicant") by and through its attorneys, McLane Middleton, Professional Association, and respectfully request that the Site Evaluation Committee ("SEC" or "Committee") issue a protective order, to preserve the confidentiality of information relating to archaeological resources data. In support of their Motion, the Applicant states as follows:

1. On April 12, 2016, the Applicant filed an Application for a Certificate of Site and Facility ("Application") with the SEC. Contemporaneously with the Application, the Applicant filed a Motion for Protective Order and Confidential Treatment requesting confidential treatment of, among other information, certain documents containing sensitive archeological resources data. Applicant's Motion for Protective Order and Confidential Treatment, Docket 2015-04, at 2 ("Applicant's Motion"). The Applicant also requested that additional confidential materials containing archaeological information be afforded confidential treatment. Applicant's Motion at 10.

2. On December 22, 2016, the Committee issued its Order on Motion for Protective Order and Confidential Treatment (the "Order"). The Committee granted the Applicant's request for confidential treatment of certain archeology documents but denied the Applicant's request for confidential treatment of additional documents. Order at 4, 7-8. The Committee ordered that the Applicant seek an order for protective treatment when it determines that documents in the future will require protection. Order at 8.

1

3. The Applicant is now submitting for the Committee's review an additional archaeological reports, and, pursuant to the Order, seeks a protective order and confidential treatment of that document -- *Desk Review Archeological Sites on Abutting Properties Off-Corridor Locations in Lee, Madbury and Durham, NH (September 2018)*; reports prepared by Victoria Bunker, Inc. In addition, the Applicants request a protective order and confidential treatment of Dr. Bunker's report entitled *Phase I-B Supplemental Archeological Survey, Seacoast Reliability Project, Durham Point Road, Durham, NH (Addendum June 2018)* that has been submitted already as App. Ex. 179.

4. Governmental records, as defined by RSA 91-A:1-a, are generally made available for public inspection pursuant to the Access to Governmental Records and Meetings Statute (a.k.a. the Right-to-Know Law). *See* RSA 91-A:4; *see also* N.H. Admin Rule Site 104.01. There are certain exemptions, however, from the requirement that public agencies or public bodies produce government records. One such exemption applies to "confidential, commercial, or financial information . . . and other files whose disclosure would constitute invasion of privacy." RSA 91-A:5. The Applicant respectfully requests that pursuant to RSA 91-A:5 the Committee issue a protective order and treat as confidential the review and survey. *See also* Site 104.01(b) (presiding officer or chairman may protect documents that are exempt from disclosure pursuant to RSA 91-A:5).

5. RSA 162-H:16, IV(c) requires that an application for a Certificate of Site and Facility must, *inter alia*, demonstrate that the project will not have an unreasonable adverse effect on historic sites. Similarly, N.H. Admin. Rule Site 301.03(c)(5) requires an applicant to identify "natural, historic, cultural, and other resources at or within the site." *See also* Site 301.06 (requiring additional information on historic sites including the identification of areas of potential archaeological sensitivity located within the area of potential effects).

6. Pursuant to the foregoing requirements, and in connection with its Application for a Certificate of Site and Facility, the Applicant is providing additional archaeological review and survey

2

data. However, pursuant to New Hampshire's Historic Preservation Act, all information that may identify the location of archaeological sites must remain confidential and the disclosure of such information is exempt from RSA 91-A.

7. New Hampshire's Historic Preservation Act specifically provides that:

Information which may identify the location of any archaeological site on state land, or under state waters, shall be treated with confidentiality so as to protect the resource from unauthorized field investigations and vandalism. Toward this end, state agencies, departments, commissions, institutions and political subdivisions, permittees and private landowners with preservation and conservation agreements shall consult with the commissioner before any disclosure of information to insure that the disclosure would not create a risk to the historic resource or that it is done in a manner to minimize the risk. Such information is exempt from all laws providing rights to public access. Disclosure for the public record for tax assessment, transfer, sale or other consideration of the property shall receive careful consideration to minimize the risk to the resource.

RSA 227-C:11.

8. In conjunction with RSA 91-A:5, IV, which specifically provides that records pertaining to confidential information are exempt from the public disclosure requirements of the Right-to-Know Law, RSA 227-C:11 mandates that information that identifies the location of archaeological sites remain confidential. Therefore, such information should not be disclosed to the general public during the SEC proceedings.¹

9. Confidential treatment of archaeological sites discovered within or adjacent to the project area is warranted to protect the sensitive nature of those sites and is in the public interest. In this case, granting access to the location of an archaeological site will not further any public purpose, but instead, will result in a risk of harm to the archaeological resource. Such a request is reasonable given the nature of the sites and the potential for damage to them. The Applicant, therefore, requests that the information regarding archaeological resources contained in the review and survey be maintained confidentially.

10. The review and survey have been marked confidential. The Applicant may make this information available to the parties subject to a Protective Order. In light of the foregoing, the Applicant

¹ Federal law has a substantially similar provision under the federal Freedom of Information Act ("FOIA") that protects archaeological sites. Under FOIA, "information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public under [FOIA]." 16 U.S.C. § 470hh(a).

respectfully requests that the Committee order that the above-mentioned review and survey be maintained confidentially by the parties, and that a protective order be issued requiring this information to remain confidential.

11. The Applicant respectfully requests the Committee issue a protective order identical to the protective order described in Section IV of the Order issued by the Committee on December 22, 2016, including the requirement that any party to the proceeding seeking access to the review and survey execute a protective agreement in the form set forth and attached to the Order.

12. In addition to any provisions included in the order by the Committee, in order to minimize the risk of inappropriate disclosure of the Applicant's protected confidential information, the Applicant respectfully requests that the Committee's Protective Order: (1) specify that the Applicant is not required to provide confidential information via electronic mail to the Parties, other than to Counsel for the Public; and (2) specify that if Parties, other than Counsel for the Public, are to be afforded access to the protected information, such access shall occur by viewing the confidential information at the Committee's offices.

[Remainder of page intentionally left blank]

4

WHEREFORE, the Applicant respectfully requests that this Committee:

A. Grant the Applicant's request that the two archeological reports remain confidential;

B. Issue a protective order as requested herein that preserves the confidentiality of

the reports; and

C. Grant such further relief as it deems appropriate.

Respectfully Submitted,

Public Service Company of New Hampshire d/b/a Eversource Energy

By its attorneys,

McLANE MIDDLETON PROFESSIONAL ASSOCIATION

adam Amile

Dated: October 2, 2018

By:

Barry Needleman, Esq. Bar No. 9446 Adam Dumville, Esq. Bar No. 20715 11 South Main Street, Suite 500 Concord, NH 03301 (603) 226-0400 barry.needleman@mclane.com adam.dumville@mclane.com

Certificate of Service

I hereby certify that on the 2nd of October, 2018, an original and one copy of the foregoing Motion was hand delivered to the New Hampshire Site Evaluation Committee and an electronic copy of the foregoing was served upon the Distribution List.

adam Amill

Adam Dumville

MEMORANDUM OF UNDERSTANDING BETWEEN NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER and EVERSOURCE ENERGY REGARDING THE SEACOAST RELIABILITY PROJECT, MADBURY TO PORTSMOUTH, NEW HAMPSHIRE

WHEREAS, In accordance with RSA 227-C:9 Directive for Cooperation in the Protection of Historic Resources, this Memorandum of Understanding (MOU) is entered into by and between the New Hampshire Division of Historical Resources (NHSHPO) and Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource"), collectively (the "Parties"); and

WHEREAS, all state agencies, departments, commissions and institutions are directed to cooperate with the NHSHPO for the preservation of historic resources during all state licensed, assisted or contracted projects, activities or programs pursuant to RSA 227-C:9 Directive for Cooperation in the Protection of Historic Resources, and

WHEREAS, Eversource has applied for a certificate from the New Hampshire Site Evaluation Committee and proposes to construct, own, operate and maintain a new 13-mile 115-kV electric transmission line between existing substations in Madbury, New Hampshire and Portsmouth, New Hampshire and to upgrade existing substations (collectively known as the Seacoast Reliability Project (the "Project"); and

WHEREAS, United States Army Corps of Engineers ("USACE"), the lead federal agency for the purposes of complying with 36 CFR 800, has determined that the Project is a federal undertaking subject to Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, Protection of Historic Properties, 36 CFR Part 800; and

WHEREAS, USACE has initiated consultation with the NHSHPO 36 Code of Federal Regulations ("CFR") part 800, and 33 CFR Part 325, regulations implementing Section 106 of the National Historic Preservation Act (16 USC §470f), for the portions of the Project area within the USACE permit area;

WHEREAS, a comprehensive survey of properties in the project area and consultation with the USACE and NHSHPO determined that no known archaeological sites that are listed in, or are eligible for listing in, the National Register of Historic Places will be affected by the Project; and

WHEREAS, the Project will adversely affect the following four above-ground resources that are listed in or are eligible for listing in the National Register of Historic Places:

- Alfred Pickering Farm, Newington, New Hampshire
- Durham Point Historic District, Durham, New Hampshire
- Little Bay Underwater Cable Terminal Houses Historic District, Durham and Newington, New Hampshire
- Newmarket and Bennett Roads Farms Historic District, Durham, New Hampshire; and

WHEREAS, on October 4, 2017 Eversource, USACE, NHSHPO, and Consulting Parties met to discuss measures to be taken by Eversource to avoid, minimize, and mitigate Project effects upon historic resources, Eversource and NHSHPO conducted public meetings on January 10, 2017 in Portsmouth, NH and October 27, 2017 in Durham, and Eversource and the NHSHPO met with the Town of Newington on August 24, 2018 to discuss the resolution of adverse effects to the Pickering Farm; and

WHEREAS, USACE, NHSHPO and Eversource have entered into a Memorandum of Agreement ("MOA") to address resolution of adverse effects to the one historic property within the jurisdiction of USACE (Little Bay Underwater Cable Terminal Houses Historic District) pursuant to 36 Code of Federal Regulations ("CFR") part 800, and 33 CFR Part 325, regulations implementing Section 106 of the National Historic Preservation Act (16 USC §470f); Appendix A; and

NOW, THEREFORE, NHSHPO and Eversource agree that execution of this MOU resolves the Project's effects through the implementation of the following stipulations which will be carried out by Eversource in the event that the Seacoast Reliability Project is approved and implemented:

STIPULATIONS

I. Alfred Pickering Farm

- 1. Eversource shall utilize a weathering steel H-Frame structure on the property in order to minimize effects to the Alfred Pickering Farm.
- 2. The publication of a publicly oriented booklet will be funded by Eversource and overseen by the Eversource cultural resource professional. The booklet will provide a brief history of agriculture in Newington from its founding to the present highlighting different agricultural periods or trends over time, an architectural guide to the styles and types of farm houses and agricultural outbuildings in the community, and a brief overview of no more than 20 individual farms extant in Newington as of 2018. A variety of pre-existing studies (town-wide area form, map study etc.), and secondary and primary resources are available to inform the preparation of the booklet. The booklet will include a table of contents, historic and modern maps, historic (as available) and present day photographs, and a 'further reading and research" page.

The booklet will be designed by a graphic designer in collaboration with, and using content provided by, a 36 CFR 61-qualified architectural historian. The soft-cover half-fold booklet with saddle stitch binding of approximately 5"x7" and approximately 30 black and white pages will be professionally printed. The cost of printing 100 copies will be funded by Eversource.

One digital draft proof of the booklet will be provided to DHR to review and comment within 30 days of receipt. At a minimum, a final copy must be provided to the New Hampshire Division of Historical Resources, New Hampshire State Library, New Hampshire Historical Society, Langdon Library in Newington, Newington Public School library and social sciences department, and the Newington Historical Society, with the remaining copies distributed to the offices of the Town of Newington.

The booklet will be completed within two years of the start of construction of the Project.

After completion of the booklet, a public presentation in the Town of Newington will be conducted to celebrate Newington's agricultural history. The presentation will be coordinated by Eversource and its Architectural Historian consultant in coordination with NHSHPO. The presentation will provide an overview of the research conducted in support of the booklet along with a wide variety

of visuals for the public. Other information presented may include how to list a property to the New Hampshire State or National Registers of Historic Places, how to seek assistance with maintenance issues, and/or other preservation related issues.

II. Durham Point Historic District

1. Seven historic stone walls and one granite quarry that are contributing to the Durham Point Historic District will be impacted by the Project. Eversource shall employ the following avoidance and minimization measures, as shown on the plan sheet identified as Appendix B hereto:

	Appendix B Map Sheet Number
WP-32	5
WP-34	5
WP-35	5-6
WP-35D	6
WP-35B	6
WP-35A	7

2. Physical impacts to one of the seven walls shall be minimized by widening one existing breach in said wall and repairing a second existing breach in said wall with the stone removed from the first breach.

Stone Wall ID	Appendix B Map Sheet Number
WP-33	5

3. Physical impacts to features of the granite quarry (Appendix B: Map Sheet Number 5) shall be avoided by adjusting access routes around the quarry features. In two locations, one an access point and the second a work pad location, timber matting shall be used as a protective measure during construction.

III. Newmarket and Bennett Roads Farms Historic District

- 1. Thirteen historic stone walls that contribute to the rural character of the Newmarket and Bennett Roads Farms Historic District will be impacted by the Project. Eversource shall employ the following avoidance and minimization measures, as shown on the plan sheet identified as Appendix B hereto:
 - a. Physical impacts to all thirteen historic stone walls shall be avoided by the Project through the implementation of one or more of the following four measures to include:
 (a) not traversing the wall, (b) traversing the wall through an existing breach, (c) traversing the wall using timber matting to temporarily bridge over the wall, or (d) placing the work pad on top of timber matting to elevate work pad above the wall.

Stone Wall ID	Appendix A Map Sheet Number
WP-12	1
WP-13	1
WP-14	1-2
WP-14A	2
WP-15	2

WP-15A	2	
WP-16	3	
WP-17	3	
WP-18	3	
WP-19	3	
WP-20	3	
WP-20A	3	
WP-20B	3	

ADMINISTRATIVE CONDITIONS

A. <u>GENERAL PROVISIONS</u>

- 1. Confidentiality of Records and Information. The signatories shall maintain the confidentiality of records and information pertaining to the location, character or ownership of archeological sites consistent with NH RSA 227-C:11 and Section 304 of the National Historic Preservation Act.
- 2. Eversource shall ensure that environmental inspectors have been trained appropriately in the identification of, and are aware of the potential to encounter, significant cultural resources including human remains and/or grave-associated artifacts. All onsite personnel shall receive cultural resources sensitivity training outlined in the Historic Properties Training Plan; and shall be made aware of, and directed to follow procedures outlined in, the Unidentified Discovery Plan ("UDP"); Appendix C.

B. <u>POST REVIEW DISCOVERIES</u>

- 1. If Eversource materially changes plans for the proposed Project and such changes lead to newly discovered effects on historic properties, Eversource shall consult with NHSHPO to resolve any adverse effects to such properties.
- 2. If previously unidentified architectural and/or archaeological resources are discovered that may be adversely affected by the Project or if known resources are affected in an unanticipated manner, Eversource shall cease construction activities at that location and shall consult with NHSHPO to determine the need for appropriate evaluative studies, determinations of National Register eligibility, and/or mitigation measures, if needed, to resolve adverse effects.

C. DISPUTE RESOLUTION

- 1. Should Eversource object within thirty (30) days to any actions proposed or carried out pursuant to this Agreement, they shall consult with NHSHPO to resolve the objection.
- 2. If at any time during the implementation of the measures stipulated in this MOU, an objection should be raised by an interested member of the public, the parties will consult to determine the appropriate response.

D. MONITORING AND REPORTING

- 1. Each year following the execution of this MOU until it expires or is terminated, Eversource shall provide NHSHPO a summary letter report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed and any problems encountered in Eversource's efforts to carry out the terms of this MOU.
- 2. Eversource shall document the location of the above-identified stone walls in the Durham Point Historic District and the Newmarket and Bennett Road Historic District on its right of way plans to be referenced for all future maintenance and construction projects. Eversource will follow best management practices to minimize impact to the stonewalls, and no alteration or impacts to stonewalls are allowed without prior consultation with NHSHPO and the property owner. The NHSHPO and the property owner shall be contacted prior to any activity that requires alteration of a stonewall or in the event of incidental damage that results from Eversource operations, such as an emergency repair.

E. AMENDMENTS

1. This MOU may be amended when such an amendment is agreed to in writing by all signatories.

F. TERMINATION

- 1. If any signatory to this MOU determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Condition E above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOU upon written notification to the other signatories. Signatories must continue to work to resolve the adverse effects of this undertaking.
- 2. Upon completion of the measures outlined in the Stipulations section of this agreement, Eversource's obligations under this agreement shall be considered complete and this agreement shall terminate.

Execution of this Memorandum of Understanding by Eversource and NHSHPO, and implementation of its terms evidences that the effects of the Project on historic properties have been taken into account.

las peli Nadine Miller

9/21/2018

Deputy State Historic Preservation Officer New Hampshire Division of Historical Resources

9/24/18

Mary Ellen Paravaloz Mary Ellen Paravalos, Vice President of ISO, Siting and Compliance, Public Service Company of New Hampshire d/b/a Eversource Energy

Martha Roy, Town Administrator Town of Newington

Date

Todd I. Selig, Town Manager Town of Durham

Date

[Note: By signing this MOU, the towns do not in any way relinquish or compromise their ability to take a position on the Project and/or any conditions which they believe should be included in a SEC Certificate, that are not included in this Agreement.]

APPENDIX A:

MEMORANDUM OF AGREEMENT BETWEEN US ARMY CORPS OF ENGINEERS, NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES, EVERSOURCE

MEMORANDUM OF AGREEMENT BETWEEN US ARMY CORPS OF ENGINEERS, NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY REGARDING THE SEACOAST RELIABILITY PROJECT FROM MADBURY SUBSTATION TO PORTSMOUTH SUBSTATION, NEW HAMPSHIRE

WHEREAS, the US Army Corps of Engineers ("USACE") plans to authorize a Wetlands Permit to Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") for the Seacoast Reliability Project from Madbury Substation to Portsmouth Substation, New Hampshire ("undertaking") in accordance with their Section 404 authority (33 USC 1344); and

WHEREAS, the undertaking consists of a new 13-mile 115-kV electric transmission line between existing substations in Madbury, New Hampshire and Portsmouth, New Hampshire and to upgrade existing substations (collectively known as the Seacoast Reliability Project (the "Project"), including relocating and rehabilitating one contributing feature of the Little Bay Underwater Cable Terminal Houses Historic District (Durham Terminal House) from its present location as well as removing sections of the historic underwater cables; and

WHEREAS, USACE has defined the undertaking's area of potential effects (APE) in Attachment A; and

WHEREAS, USACE has determined that the undertaking shall have an adverse effect to the Little Bay Underwater Cable Terminal Houses Historic District, a property eligible for listing on the National Register of Historic Places (NR), and has consulted with the NH State Historic Preservation Officer ("NHSHPO") pursuant to 36 Code of Federal Regulations ("CFR") part 800, and 33 CFR Part 325, regulations implementing Section 106 of the National Historic Preservation Act (16 USC §470f); and

WHEREAS, there are no tribes required for consultation within New Hampshire; and

WHEREAS, USACE has consulted with the Town of Newington regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a Concurring Party and public involvement was sought and carried out at numerous meetings beginning in 2013 extending into 2017; including meetings required by the New Hampshire energy facility siting process, meetings conducted by Eversource and the NHSHPO on January 10, 2017 in Portsmouth, NH and October 27, 2017 in Durham, NH and a Consulting Party meeting in Newington, NH on October 4, 2017; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(l), USACE has notified by letter dated July 9, 2018 the Advisory Council on Historic Preservation ("ACHP") of its adverse effect determination with specified documentation to 36 CFR §800.6(a)(l)(iii); and

WHEREAS, upon execution of this Memorandum of Agreement, Eversource Energy shall enter into a Memorandum of Understanding with the NHSHPO stipulating mitigation that Eversource Energy shall carry out in order to address additional adverse effects of the undertaking; and

NOW, THEREFORE, USACE, the NHSHPO, and Eversource Energy, agree that, in the event that the Seacoast Reliability Project is approved and implemented, the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The USACE shall ensure that the following measures are carried out in consultation with the NHSHPO:

I. Historic American Engineering Record (HAER) of the Little Bay Underwater Cable Terminal Houses Historic District

Eversource shall fund and oversee completion of a Historic American Engineering Record (HAER) Documentation of the Little Bay Underwater Cable Terminal Houses Historic District which shall be undertaken by an Architectural Historian qualified under 36 CFR 61. The HAER documentation shall consist of an outline format engineering structures report including large format photographs, photo key and index, site plan, and outline narrative. The documentation shall include both cable terminal houses (one in Durham and one in Newington) and the underwater cables. A digital based measured drawing (obtained from a LeicaT BLK360T 3-D LIDAR scanning instrument) of the cable terminal house on the Durham side only shall be completed and included in the documentation. The underwater cable documentation shall consist of narrative information and/or site plans and historic maps that show the location of the cables.

A digital draft HAER document shall be submitted to NHSHPO for review and comment for a period of 45 days. One draft copy shall then be provided by Eversource Energy on behalf of USACE, to NPS for review and comment.

Following NPS comment, one final archival copy (with one set of photographs/negatives) shall be submitted to NPS and the NHSHPO (in archival folder) by Eversource Energy. In addition, a digital PDF copy shall be submitted to NHSHPO. One copy printed on archival paper shall be submitted to the appropriate local repositories in Durham and Newington.

Stipulation I shall be completed within three (3) years of execution of this agreement.

II. Stabilization, Relocation, and Rehabilitation of Durham Cable House Terminal

Eversource Energy shall fund and oversee work to stabilize and move the Durham side cable terminal house fifty (50) feet to the north of its historic location during construction. Once the construction has been completed, Eversource Energy shall permanently place the Durham cable terminal house in a location twelve (12) feet to the west of and fifteen (15) feet to the north of its historic location. The Durham cable terminal house shall be placed on a new foundation constructed of field stone and mortar set upon a below-grade concrete footing. All work shall follow specifications outlined in the plans found in Attachment B.

Eversource Energy shall fund and oversee the rehabilitation of the Durham side cable terminal house once it has been placed in its new permanent location. All work shall follow the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and shall be overseen by a 36 CFR 61 qualified Architectural Historian. Rehabilitation work shall include brick masonry wall repointing, roof repair, door and window repair and work to ensure the floor system is stable. Eversource Energy

2

and its Architectural Historian shall consult with NHSHPO when implementation of the plans is at 50% and 90% complete to ensure that the *Standards* are being met.

Stipulation II shall be completed within five (5) years of execution of this agreement.

III. Exterior Interpretive Signage

Eversource Energy shall fund and install interpretive signage at Fox Point to interpret the historical and engineering/technological significance of the Little Bay Underwater Cable Terminal Houses Historic District. Development of the signage shall be overseen by a 36 CFR 61 qualified Architectural Historian. Signage shall include narrative, photographs and other graphics and shall place the resource within the overall historic context of electric transmission in the region. NHSHPO shall be provided 30 days to review and comment on draft text/layout. The panel shall be placed at Fox Point on land owned by the Town of Newington. The specific location is to be decided by Town of Newington, in consultation with Eversource Energy and NHSHPO.

IV. Interior Interpretive Displays in Durham and Newington

Eversource Energy shall fund and oversee the development of two identical interpretive displays, one each for the towns of Durham and Newington to convey the historical and engineering significance of the Little Bay Underwater Cable Terminal Houses Historic District. The work shall be overseen by an Architectural Historian qualified under 36 CFR 61. Consultation on the content of the displays shall be between Eversource Energy, NHSHPO, the Town of Durham, and the Town of Newington. At a minimum, the displays shall exhibit samples of the historical underwater cable and new underwater cable, provide a narrative on the historic and modern technology involved, and summarize a history of the resource. NHSHPO shall have 30 days to review and comment on the text/layout of the displays. NHSHPO, the Town of Durham and the Town of Newington shall consult with Eversource Energy to identify appropriate publicly accessible venues in each community to install the displays.

Stipulation IV shall be completed within three (3) years of execution of this agreement.

ADMINISTRATIVE CONDITIONS

I. POST-REVIEW DISCOVERIES

If previously unidentified historic properties are discovered during the Project, the Signatories to this agreement shall be notified immediately and any work that could potentially impact the resource shall be suspended. The parties shall consult about ways to avoid, minimize or mitigate any effects that the Project may have on the resource and, if necessary, amend this Agreement to provide for the treatment of the resource.

II. DURATION

This MOA shall be null and void if its terms are not carried out within five (5) years from the date of NH Site Evaluation Committee ("NHSEC') written approval. Prior to such time, USACE may consult with the other Signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V., below.

3

III. MONITORING AND REPORTING

Each year following the execution of this MOA until, the work is complete, the permit expires, or the permit is terminated, Eversource shall provide all parties to this MOA a summary letter report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received by USACE in its efforts to carry out the terms of this MOA.

IV. DISPUTE RESOLUTION

Should any Signatory or concurring party to this MOA object at any time to any actions proposed under this Section 106 MOA, or the manner in which the terms of this MOA are implemented, USACE shall consult with such party to resolve the objection. If USACE determines that such objection cannot be resolved, USACE shall:

A. Forward all documentation relevant to the dispute, including the USACE's proposed resolution, to the Advisory Council on Historic Preservation ("ACHP"). The ACHP shall provide USACE with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute,

USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories and concurring parties, and provide them with a copy of this written response USACE shall then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. Eversource Energy shall continue to fulfill its responsibilities relating to the undertaking that are subject to the terms of this MOA and which are not the subject of, or adversely affected by, the dispute.

VI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment shall be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

V. TERMINATION

If any Signatory to this MOA determines that its terms shall not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation V, above. If within thirty (30) days an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, USACE must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USACE shall notify the Signatories as to the course of action it shall pursue.

Execution of this MOA by the USACE and NHSHPO and implementation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

Frank/J. Delgiudice, US Army Corps of Engineers Chief, Permits and Enforcement Branch C **Regulatory** Division

Nadine Miller, Deputy State Historic Preservation Officer New Hampshire Division of Historical Resources

INVITED SIGNATORY:

Mary Ellen Paravalos, Vice-President of ISO,

Siting and Compliance, Eversource Energy Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant)

CONCURRING SIGNATORIES:

Martha Roy, Town Administrator Town of Newington

Todd Selig, Town Manager Town of Durham

Date Date

21/2018 Date

9/24/2018 Date

Date

Date



DEPARTMENT OF THE ARMY NEW ENGLAND DISTRICT, CORPS OF ENGINEERS 696 VIRGINIA ROAD CONCORD, MASSACHUSETTS 01742-2751

May 4, 2015

Regulatory Division CENAE-R-PEC File Number: NAE-2015-665

Elizabeth Muzzey, Director and State Historic Preservation Officer NH Division of Historical Resources 19 Pillsbury Street Concord NH 03301-3570

Dear Ms. Muzzey:

This regards the construction of the new Seacoast Reliability Line (SRP) 115kV transmission line within the existing Right-of-Way (ROW) connecting Eversource's Madbury Substation to Eversource's Portsmouth substation in Portsmouth NH. The overhead transmission structures are all located within an existing right-of-way. In addition, one mile of underwater cable will be buried in Little Bay using jetplow technology. All construction vehicle access roads and workpads in sensitive resource areas will be covered with timber matting during construction with appropriate erosion controls as needed.

The application for a Section 404 and section 10 permit for the SRP project has been assigned file number NAE 2015-665. For purposes of our permit review, the Corps is evaluating the entire SRP project as one permit application and providing the permit area plans for each state to the appropriate state historic preservation office.

This Corps response letter is in answer to the March 20, 2015 letter request by Eversource's consultant Normandeau Environmental Consultants requesting a permit area determination for their project. Project plans were submitted by Normandeau identifying the sensitive areas, timber mat, and permanent fill for access and new pole placements for the project. A plan set is enclosed with this mailing for your use.

Corps jurisdictional areas are limited to wetlands or waters of the US. The Corps has determined their federal permit area for this project to be where the timber mat access way is established within wetlands and waters of the US along the right of way (ROW) for accessing the new transmission line pole locations. The undertaking consists of the use of timber mats on existing ATV trails which traverse wetlands along the ROW to access the new utility pole locations would have no potential to cause effects on resources. Work which does not involve the discharge of dredged or fill material in wetlands is not regulated by the Corps.

Section 106 of the National Historic Preservation Act states "The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into

account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register."

We have reviewed and enclosed Normandeau's archeological sub-consultant, Victoria Bunker Inc. (VBI) Phase I-A Archeological Survey of the SRP corridor, and the historical sub-consultant, Archeological and Historical Services (AHS), historical review report for potential resource finds for the SRP line sensitivity assessment within the F 107 ROW. The SRP project is approximately 13-mile-long line utilizing an existing transmission right-of-way that already has overhead power lines. Approximately 1 mile will be a submarine cable under Little Bay between Durham and Newington.

A summary of Corps permit areas within the ROW and potential work efforts are:

Plan page 1, 2, 3, 4,

No Corps permit is required. No ground disturbing activities in Corps permit areas are proposed within a sensitive area.

Plan page 5

Sensitive area Durham 4 is access through uplands. No Corps permit is required. No ground disturbing activities in Corps permit areas are proposed within the sensitive area.

Plan Page 6

The location of new pole 37 is in the Corps permit area near sensitive area Durham 2. A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan page 7

The location of new pole 49 is in the Corps permit area near sensitive area Durham 3. A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan Page 8

The location of new pole 53 is in the Corps permit area near sensitive area Durham 5 and a phase 1B analysis of the ground disturbing activities for this structure is recommended. No ground disturbing activities are located within Durham 4 or Durham 6.

Plan page 9

The location of new pole 60 is in the Corps permit area near sensitive area 7 and a phase 1B analysis of the ground disturbing activities for this structure is recommended. No ground disturbing activities are located within Durham 8.

Plan page 10

The location of new pole 69 is in the Corps permit area and sensitive area Durham 10. A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan page 11

No Corps permit is required. No ground disturbing activities in Corps permit areas are proposed within a sensitive area.

Plan pages 12

The location of new pole 80 is in the Corps permit area and sensitive area Durham 11. A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan page 13

Pole 85 is within a Corps permit area and a sensitive area (Durham 13). A phase 1B analysis of the ground disturbing activities for this structure is recommended. No Corps permit is required in sensitive areas Durham 14, 15 or 16. No ground disturbing activities in wetlands are proposed within the sensitive area.

Plan Page 14

Pole 90, 92, and 93 located in sensitive area Durham 17 are within a Corps permit area. A phase 1B analysis of the ground disturbing activities for these structures is recommended.

Plan page 15

Pole 96 is within a Corps permit area and a sensitive area (Durham 18). A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan page 16

No Corps permit is required in sensitive areas Durham 19. No ground disturbing activities in wetlands are proposed within the sensitive area.

Plan page 17

Pole 108, 110, 111, and 112 are within a Corps permit area and sensitive areas. A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan page 18, 19

A phase 1B is not required for the jetplowing area. In a meeting between Eversource and the DHR on April 4, 2015, the DHR did not express any concern for resources in this area and agrees with the Bunker report stating that "no further archeological survey is recommended".

Plan Page 20

Pole 113 is within a Corps permit area and located near sensitive area New 1. A phase 1B analysis of the ground disturbing activities for these structures is recommended.

Plan Page 21

Pole 117 is within a Corps permit area and located near sensitive area New 3. A phase 1B analysis of the ground disturbing activities for these structures is recommended. No ground disturbing activities in wetlands are proposed within sensitive areas New 2 and New 4.

Plan Page 22

No Corps permit areas are found within sensitive area New 5.

Plan Page 23

Pole 126 is within a Corps permit area and located near sensitive area New 6. A phase 1B analysis of the ground disturbing activities for these structures is recommended.

Plan pages 24, 25, 26, 27, 28

No ground disturbing activities in sensitive areas are proposed. 1B is not required

To summarize, a phase 1B is recommended for ground disturbing activities associated with pole locations 37, 49, 53, 60, 69, 80, 85, 90, 92, 93, 96, 108, 110, 111, 112, 113, 117, & 126.

Enclosed for your use are the phase 1A reports associated with this project. Please contact us if there are any resources which have not been reported to the Corps.

Please either contact me or have a member of your staff contact David Keddell of my staff at 978-318-8692 with your resource determination or if you have any questions or comments concerning the Corps permit areas.

Sincerely,

J. Delgiudice Chief, Regulatory Division Branch C

Attachments

Copy Furnished:

Laura V. Games, Esq., Project Siting and Permitting Specialist Transmission Group, PSNH Energy Park, 780 North Commercial Street, Manchester, NH 03101

Sarah Allen, Principal Wetland Scientist, Normandeau Associates, Inc, 25 Nashua Road, Bedford, New Hampshire 03110









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Cupyright 2017 VIIIE TOWER ENGINEERED TIMBER INC.












APPENDIX B: NEWMARKET AND BENNET ROADS FARMS HISTORIC DISTRICT AND DURHAM POINT HISTORIC DISTRICT PLAN SHEET

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APPENDIX C: TRAINING, MONITORING, UNANTICIPATED DISCOVERY, CURATION AND REPATRIATION PLANS

1.58

Seacoast Reliability Project

Historic Properties Monitoring Plan Unanticipated Discovery Plan Historic Properties Training Plan Curation and Repatriation Plan

> Prepared by Eversource Energy

> > May 2, 2018

Table of Contents

1.	INTRODUCTION 1
2.	HISTORIC PROPERTIES MONITORING PLAN 1
	2.1. PLAN INTEGRATION12.2. PERSONNEL ROLES AND RESPONSIBILITIES12.3. CONFIDENTIALITY2
3.	UNANTICIPATED DISCOVERY PLAN
	3.1. PLAN INTEGRATION33.2. PERSONNEL ROLES AND RESPONSIBILITIES43.3. PROCEDURES FOR THE UNANTICIPATED DISCOVERY OF CULTURAL ARTIFACTS OR FEATURES43.4. PROCEDURES FOR THE UNANTICIPATED DISCOVERY OF HUMAN REMAINS53.5. ADDITIONAL PROVISIONS FOR SITE SECURITY63.6. PROCEDURES FOR UNANTICIPATED EFFECTS ON HISTORIC ARCHITECTURAL PROPERTIES63.7. CONFIDENTIALITY7
4.	HISTORIC PROPERTIES TRAINING PLAN
	4.1. PLAN INTEGRATION
5.	CURATION AND REPATRIATION PLAN 11
	5.1. PLAN INTEGRATION115.2. PERSONNEL ROLES AND RESPONSIBILITIES125.3. PROCEDURES FOR THE CURATION OF ARTIFACTS FROM PRIVATE LANDS125.4. PROCEDURES FOR THE RE-INTERMENT OF HUMAN REMAINS FROM NON-FEDERAL LANDS13

1. INTRODUCTION

This document contains the Historic Properties Monitoring Plan ("Monitoring Plan), Unanticipated Discovery Plan ("UDP"), Historic Properties Training Plan ("Training Plan"), and Curation and Repatriation Plan ("CRP") for the Seacoast Reliability Project ("SRP" or "Project")

2. HISTORIC PROPERTIES MONITORING PLAN

This Historic Properties Monitoring Plan ("Monitoring Plan") identifies the procedures that Eversource Energy ("Eversource") and its contractors will follow to ensure the protection of known and previously unidentified historic properties during construction

2.1. Plan Integration

The Monitoring Plan is one of several plans that are designed to ensure that historic properties receive appropriate treatment and protection. All personnel engaged in the construction of the Project will receive training in accordance with the *Seacoast Reliability Project Historic Properties Training Plan* ("Training Plan"). The training will provide information about how to proceed in the case of unanticipated discoveries in accordance with the *Seacoast Reliability Project Unanticipated Discovery Plan* ("UDP"). Eversource will also notify construction personnel of any specific actions required under the *Seacoast Reliability Project Memorandum of Agreement ("MOA") with the U.S. Army Corps of Engineers ("USACE") and the New Hampshire Division of Historical Resources/State Historic Preservation Office ("NHSHPO") <i>and/or Memorandum of Understanding* ("MOU") with the NHSHPO to protect known historic properties in the areas in which they are working.

2.2. Personnel Roles and Responsibilities

The following personnel have roles in implementing the Monitoring Plan during construction. The names and contact information for the supervisory personnel responsible for overseeing and reporting on the progress of the monitoring are provided in Attachment A: List of Responsible Personnel. The List of Responsible Personnel will be updated to reflect any changes in personnel or their contact information at the time the change is made and a revised copy of the list will be distributed to all supervisory personnel involved in the historic properties monitoring program. Multiple roles and responsibilities may be performed by the same individual.

<u>Cultural Resource Specialist ("CRS")</u> – An individual who meets the *Secretary of the Interior's Professional Qualifications Standards* (36 CFR 61) and applicable state qualification standards who is responsible for implementing the MOA/MOU and its associated plans, including this Monitoring Plan.

<u>Cultural Liaison</u> – The cultural liaison supervises the personnel involved in the day-to-day construction monitoring. The cultural liaison will complete the Supervisor Training identified in the Training Plan and will be responsible for ensuring that construction personnel receive the Orientation Training as specified in the Training Plan. The cultural liaison is also responsible for initiating the UDP if potential archeological deposits, human remains, or unanticipated effects to known historic properties are discovered during construction.

Environmental Monitors – Eversource will deploy a team of environmental monitors who will report to the cultural liaison and be responsible for overseeing construction and ensuring compliance with the terms of the MOA/MOU and applicable environmental laws. Environmental monitors will complete the Orientation Training and Supervisor Training identified in the Training Plan. Each environmental monitor will be assigned a manageable section of the transmission line or other component of the Project to be determined by size, extent of construction activity, and the amount of potential natural resources and/or historic properties present. During the Supervisor Training specified in the Training Plan, the environmental monitors will be given information about known historic properties within their assigned section, including any treatments for properties specified in the MOA/MOU. Environmental monitors will be familiar with the construction schedule and will be on-site or on-call during any period when construction is ongoing. The environmental monitor will inform construction crews of any measures that must be implemented in a particular area to avoid or protect known historic properties in accordance with the MOA/MOU, if applicable, and ensure through on-site inspection that any required measures are carried out. If a construction crew reports an unanticipated discovery, the environmental monitor will immediately report the find to the cultural liaison and implement the initial procedures of the UDP.

<u>Construction Site Supervisor</u> – During construction, the construction site supervisor will be responsible for implementing any measures identified by the cultural liaison or environmental monitor to avoid or protect historic properties. In the event of an unanticipated discovery, the construction site supervisor will immediately stop work in accordance with the UDP and report the find to the cultural liaison or environmental monitor.

Qualified Professional Archaeologist ("QPA") – An individual who meets the Secretary of the Interior's Professional Qualifications Standards (36 CFR 61) for archaeology. The QPA may fulfill certain responsibilities for monitoring and reporting that are delegated by the CRS and have responsibilities to monitor construction activities specified in the MOA/MOU in sensitive areas or areas known to contain potentially significant archaeological resources or human remains or within proximity of area known to contain human remains. RSA 289:3, III.Prior to entering the field, the QPA must attend the Orientation Training and Supervisor Training described in the Training Plan.

Qualified Architectural Historian ("QAH") – An individual who meets the Secretary of the Interior's Professional Qualifications Standards (36 CFR 61) for architectural history. The QAH may fulfill certain responsibilities for monitoring and reporting that are delegated by the CRS and have responsibilities for monitoring construction activities that have the potential to cause effects to historic architectural resources specified in the MOA/MOU. Prior to entering the field, the QAH must attend the Orientation Training and Supervisor Training described in the Training Plan.

2.3. Confidentiality

During Project Orientation Training, Eversource will ensure that the construction team, environmental monitors, CRS, cultural liaison, QPA, QAH, and others acting on its behalf in connection with monitoring and reporting on the Project understand the confidentiality provisions specified in the NHSHPO *Standards and Guidelines for Archaeological Investigations in New Hampshire* [Section VIII, C] (2018).

3. UNANTICIPATED DISCOVERY PLAN

This Unanticipated Discovery Plan ("UDP") was prepared for the Seacoast Reliability Project ("SRP" or "Project"). The plan identifies the procedures that Eversource Energy ("Eversource")

and its contractors will follow in the event that any of the following are discovered during construction or other Project-related activities:

- 1. Potentially significant archaeological deposits;
- 2. Human remains; or
- Unanticipated effects upon known historic properties identified in the Project's Area of Potential Effects ("APE") during the identification and evaluation stage of the Section 106 process.

In addition, the UDP is consistent with the following federal and state regulations and guidelines pertaining to the discovery of cultural materials and human remains:

- Section 106 of the National Historic Preservation Act of 1966, as amended ("NHPA", 36 CFR 800);
- Archaeological Resources Protection Act of 1979 ("ARPA", 43 CFR 7);
- Native American Graves Protection and Repatriation Act ("NAGPRA", 43 CFR 10);
- Advisory Council on Historic Preservation: Policy Statement Regarding Treatment of
- Burial Sites, Human Remains, and Funerary Objects (Advisory Council, February 23,
- 2007);
- State of New Hampshire RSA Title XIX, Chapter 227-C: 8a-g, Discovery of
- Remains, etc.;
- State of New Hampshire RSA Title XXVI, Chapter 289, Cemeteries; and
- New Hampshire Division of Historical Resources NHSHPOStandards and Guidelines for Archaeological Investigations in New Hampshire [Section VIII, A, B] (2018).

3.1. Plan Integration

The UDP is one of several plans that are designed to ensure that historic properties receive appropriate treatment and protection. The Seacoast Reliability Project Historic Properties Monitoring Plan ("Monitoring Plan") describes the program that Eversource will implement to monitor construction and other activities that have the potential to impact historic properties. Personnel engaged in the construction of the Project and in-field implementation of the Seacoast Reliability Project Memorandum of Agreement ("MOA") with the U.S. Army Corps of Engineers ("USACE") and the NHSHPO and/or Memorandum of Understanding ("MOU") with the NHSHPO will receive training, including instruction on the implementation of this UDP, in accordance with the Seacoast Reliability Project Historic Properties Training Plan ("Training Plan"). Artifacts and human remains that constitute unanticipated discoveries will be treated in the manner described in the Curation and Repatriation Plan.

3.2. Personnel Roles and Responsibilities

The following Eversource personnel and contractors have supervisory roles in implementing the UDP in the event of an unanticipated discovery during the construction or any other activity associated with the Project during the term the PA is in effect. Multiple roles and responsibilities may be performed by the same individual. Contact information for the supervisory personnel is provided in Attachment A: List of Responsible Personnel. <u>Cultural Resource Specialist ("CRS")</u>: Individual who meets the Secretary of the Interior's Professional Qualifications Standards (36 CFR 61) and applicable state qualification standards who is responsible for implementing the MOA/MOU and its associated plans, including this UDP in the event of an unanticipated discovery.

<u>Cultural Liaison</u>: An individual responsible for day-to-day construction monitoring, including reporting any unanticipated discoveries to the CRS to implement the UDP.

<u>Environmental Monitor</u>: An individual who reports to the cultural liaison and are responsible for monitoring a specified section of the Project to protect environmental resources and historic properties during construction.

<u>Construction Site Supervisor</u>: An individual responsible for overseeing a construction crew and reporting any unanticipated discovery to the cultural liaison and environmental monitor.

Qualified Professional Archaeologist ("QPA"): An individual who meets the *Secretary of the Interior's Professional Qualifications Standards* (36 CFR 61) for archaeology and may be brought in to assess or investigate an unanticipated discovery of a potentially significant archaeological site.

Qualified Architectural Historian ("QAH"): An individual who meets the *Secretary of the Interior's Professional Qualifications Standards* (36 CFR 61) for architectural history and may be brought in to assess or investigate an unanticipated effect on a historic architectural property. This plan also refers to various federal, state, and local agencies that will be contacted if an unanticipated discovery is made. A list of those contacts is contained in Attachment B: Federal, State, and Local Agency Contacts.

3.3. Procedures for the Unanticipated Discovery of Cultural Artifacts or Features

Eversource personnel, contractors and environmental monitors will adhere to the following procedures if an unanticipated discovery of cultural artifacts or features is made during construction or other Project-related activities:

- 1. The construction site supervisor will immediately notify the cultural liaison and halt construction activities within 100 feet of the discovery and direct that all materials are to be left in place, unless they are in immediate jeopardy because of Project activities.
- 2. The cultural liaison will inform the CRS or, if the CRS is unavailable, the QPA of the find and dispatch the environmental monitor to the site to oversee measures to secure the area from damage or looting. If feasible, a fence or other barrier will be erected to demarcate and protect the discovery area.
- 3. Within 24 hours of the discovery, the CRS or QPA will notify the NHSHPO and the USACE. The CRS or QPA will visit the site to assess, record, and photograph the find and ensure that construction activities have halted, the area of the discovery has been clearly marked, and any other appropriate measures have been implemented to protect the discovery from looting and vandalism and weather-related damage.

4

- 4. The CRS or QPA will prepare a written report that describes the location and nature of the discovery and makes recommendations about its potential significance. The CRS will transmit the report to the NH DHRNHSHPO and USACE for review and comment.
- 5. The NH DHRNHSHPO will make a determination of eligibility and notify the CRS within one week15 days of the submittal of the report.
- 4. If the NHSHPO determines that the discovery constitutes a site that is eligible for listing in the National Register of Historic Places and the Project will have an adverse effect on the characteristic defining elements of the site's significance, Eversource will develop a site-specific treatment plan that provides measures that will be implemented to avoid, minimize, or mitigate the effect. The treatment plan will be submitted to the NHSHPO and USACE for approval and implemented prior to the recommencement of work within 100 feet of the site.

3.4. Procedures for the Unanticipated Discovery of Human Remains

If human remains are discovered during construction or other Project-related activity, Eversource will implement the following procedures in compliance with New Hampshire RSA Title XIX, Chapter 227-c:8a-g and the NHSHPO's *Standards and Guidelines for Archaeological Investigations in New Hampshire* [Section VIII, A] (2018).

- 1. The construction site supervisor will immediately halt construction activities within 100 feet of the discovery, cover and protect the burial, and notify the cultural liaison.
- 2. The cultural liaison will notify the CRS of the discovery and dispatch an environmental monitor to the site to oversee the installation of temporary site protection measures (e.g., high visibility warning tape, temporary fencing, and/or signage) around the area to prevent unintentional incursion and potential damage to the remains (see "Provisions for Site Security" below for additional measures that may be needed to protect the burial).
- 3. The CRS or the cultural liaison will contact the Office of the Chief Medical Examiner ("OCME") and the State Archaeologist at the NHSHPO.
- 4. If the site is declared a recent burial (less than 50 years old) or potential crime scene, the matter will be handled by the OCME and local law enforcement authorities according to the laws of governing such sites.
- 5. If the site is not a crime scene, is more than 50 years old, and the OCME releases responsibility to the State Archaeologist, the CRS will contact the USACE to notify them of the find.
- 6. The CRS will dispatch the QPA to delineate the extent of the burial and prepare a report of the findings and recommendations on measures that may be taken to avoid impacts to the site.

- 7. The CRS will submit the report to the NHSHPO and USACE along with a description of the measures that will be taken during construction to implement the recommendations to avoid impacts to the site.
- 8. If it is not feasible to avoid disturbing the human remains, the CRS will draft a site- specific disinterment/re-interment plan according to the following conditions:
 - a. If the human remains are determined to be Native American, the NHSHPO is responsible for notifying descendants or specific groups. When the burial is Native American, whether or not the group is federally recognized, RSA 227-C:8-d enjoins the State Archaeologist to immediately notify the leaders, officials, or spokesperson to determine the appropriate treatment of the burial (see also RSA 227-C:8-g).
 - b. If the human remains are not Native American, the State Archaeologist will seek identification of descendants to determine wishes for disposition of the burial (see also RSA 227-C:8-e and 8-g). If analysis of the remains is deemed appropriate, the State Archaeologist will consult with the CRS to develop a scope of work to be performed by a forensic archaeologist or other qualified professional (see RSA 227-C:8-f). The plan will include provisions to re-inter the remains at an alternate location after the completion of the study.

3.5. Additional Provisions for Site Security

The CRS, or the QPA acting on behalf of the CRS, will ensure that provisions are made to secure the area containing the human remains to prevent unauthorized entry to the site while their disposition is being determined. It may be necessary to install security fencing with locked gates at the site once the extent of the remains has been established. The fenced area will be large enough to stage and complete the disinterment process, if disinterment will be part of the treatment of the remains. If additional security is warranted, the CRS will consult with the State Archaeologist and implement the measures agreed upon.

3.6. Procedures for Unanticipated Effects on Historic Architectural Properties

Eversource personnel, contractors and environmental monitors will adhere to the following procedures if construction or other Project-related activities have the potential to cause unanticipated effects on a historic architectural property:

- 1. The construction site supervisor will immediately notify the cultural liaison and halt activities in the vicinity of the property.
- 2. The cultural liaison will inform the CRS or the QAH and dispatch the environmental monitor to the site to oversee measures to secure the property.
- 3. Within 24 hours of the discovery, the CRS will notify the NHSHPO and USACE.

- 4. The QAH will visit the site to assess, record, and photograph the condition of the property and ensure that measures have been implemented to protect it from any further harm.
- 5. The QAH will prepare a report that describes any damage or other effects to the property and contains recommendations for measures that may be taken to avoid, minimize, or mitigate any further effects.
- 6. The CRS will submit the report to the NHSHPO and USACE for review.
- 7. The NHSHPO, will consider the effect.
- 8. If the NHSHPO determines that the Project will have an adverse effect on the characteristic defining elements of the property's significance, the NHSHPO will request that Eversource develop a site-specific treatment plan that provides measures that will be implemented to avoid, minimize, or mitigate the effect. The treatment plan will be submitted to the NHSHPO and USACE for approval prior to the recommencement of work in the vicinity of the property.

3.7. Confidentiality

All members of the Eversource construction team will be instructed to keep any information about unanticipated discoveries confidential, limiting communications to the responsible personnel named in this plan.

4. HISTORIC PROPERTIES TRAINING PLAN

This Historic Properties Training Plan ("Training Plan") was developed for the Seacoast

Reliability Project ("SRP" or "Project"). The plan describes the training program that Eversource Energy ("Eversource") will implement to ensure the protection of historic properties during construction or other Project-related activities. All Eversource personnel and contractors (including new, added, or replaced personnel) engaged in construction in the field or responsible for field implementation of the Seacoast Reliability Project Memorandum of Agreement ("MOA") with the U.S. Army Corps of Engineers ("USACE") and the New Hampshire Division of Historical Resources ("NHSHPO") and/or Memorandum of Understanding ("MOU") with the NHSHPO are required to attend Orientation Training that will include information about the treatment of historic properties during construction. Personnel who have a supervisory role in historic property monitoring and reporting must also receive the Supervisor Training described below.

4.1. Plan Integration

The program described in this Training Plan references the following other plans that have been developed to ensure the protection of historic properties:

• Seacoast Reliability Project MOA with the USACE and the NHSHPO and/or MOU with the NHSHPO: describes measures that will be implemented to avoid, minimize, or

mitigate adverse effects on known historic properties within the Project's Area of Potential Effects ("APE").

- Seacoast Reliability Project Historic Properties Monitoring Plan ("Monitoring Plan"): describes the program that Eversource will implement to monitor construction and other activities that have the potential to impact historic properties.
- Seacoast Reliability Project Unanticipated Discovery Plan ("UDP"): describes the procedures that will be implemented if potentially significant archeological deposits, human remains, or unanticipated effects to known historic properties are discovered during construction.

4.2. Orientation Training

Training for the treatment of historic properties will be part of the Orientation Training (which will also include other topics, such as safety, environmental monitoring, and community relations) that all personnel who will be engaged in construction in the field must complete before going in the field. The Orientation Training will be delivered by an instructor (an Eversource employee or an authorized contractor) who has completed the advanced historic properties training described under Supervisor Training below. The instructor will utilize a PowerPoint presentation that includes slides containing the following topics and information regarding the treatment of historic properties during construction:

- Introduction
 - This training is part of Eversource's commitment and obligation to protect historic properties during construction
 - All personnel have the responsibility to follow procedures put in place to protect historic properties and be mindful that potentially significant archeological deposits, human remains, or unanticipated effects to known historic properties may be discovered during construction
- Federal and State Historic Preservation Laws and Regulations
 - Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800)
 - requires federal agencies to take into account the effects of their
 - undertakings on historic properties and establishes a consultation process involving federal, state, and local agencies, Native American tribes, interested individuals and organizations, and the general public to resolve adverse effects.
- o New Hampshire Revised Statutes Annotated (RSA) Title XIX, Chapter 227-C:9

- requires New Hampshire state agencies to cooperate with the New Hampshire Division of Historical Resources ("NHSHPO") on all state licensed, assisted, or contracted projects, activities, or programs so that the division may determine the effect of such undertakings on historic resources
- Known Historic Properties within the SRP APE
 - o Archaeological and historic architectural resources
 - Archaeological sites, pre-contact and post-contact
 - Historic architectural properties, e.g., individual buildings and structures, farmsteads, cemeteries, and districts
- Resolution of Adverse Effect
 - MOA/MOU identifies the actions and procedures that Eversource will undertake to avoid, minimize, or mitigate adverse effects to known historic properties
 - MOA/MOU may specify site controls or construction procedures that construction crews must implement to protect a particular historic property during construction
 - Monitoring Plan specifies the procedures and identifies persons responsible for monitoring construction and reporting progress
- Unanticipated Discoveries
 - Types of resources that could be encountered during construction, with examples of pre- and post-contact artifacts and features
 - Unanticipated Discovery Plan ("UDP") identifies procedures that must be followed if potentially significant archeological deposits, human remains, or unanticipated effects to known historic properties are discovered during construction
 - Stop all work within 100 feet of the find
 - Notify the site supervisor or foreman
 - Supervisor notifies the cultural liaison
 - Cultural liaison dispatches an environmental monitor to inspect the site and notifies the Eversource Cultural Resource Specialist ("CRS") who implements the remaining procedures of the UDP
- Confidentiality
 - The location of archaeological sites is sensitive information that is protected under state and federal laws
 - All Eversource construction personnel and contractors are expected keep confidential the location of any archaeological sites, burial sites, or reburials, as well as certain types of locational information for privately owned historic properties.
 - Contact Information

- o Cultural liaison
- o CRS

4.3. Supervisor Training

In addition to completing the Orientation Training, Eversource personnel and contractors who have a defined role in the aforementioned plans, including the Monitoring Plan and the UDP, must complete supervisor training. The Supervisor Training will be provided to, at a minimum, the cultural liaison, environmental monitors, tribal monitors, and qualified professional archaeologists and architectural historians as identified in the Monitoring Plan. The Supervisor Training will be conducted by the CRS or a cultural resource management contractor who meets the *Secretary of the Interior's Professional Qualifications Standards* (36 CFR 61) and applicable state qualifications standards. The training will be tailored to the role of the personnel and will provide specific information about the reporting requirements and procedures that must be followed to properly implement the plans.

The following general information will be covered or each personnel category to receive Supervisor Training:

<u>Cultural Liaison</u> – The responsibilities of the cultural liaison include supervising the personnel involved in the day-to-day construction monitoring and implementing the UDP if potentially significant archeological deposits, human remains, or unanticipated effects to known historic properties are discovered. The CRS will work one-on-one with the cultural liaison to establish the appropriate reporting procedures and ensure that the cultural liaison is fully aware of his or her responsibilities for implementing the plans, including the UDP and the Monitoring Plan.

Environmental Monitors —The responsibilities of the environmental monitors include ensuring that known historic properties are treated in the manner specified in the MOA/MOU, implementing initial measures to protect any unanticipated discoveries found during construction, and reporting to the cultural liaison on the progress of their monitoring. Their training will include information about known historic properties within the section of the Project for which they are responsible, any measures that must be implemented to protect those properties according to the MOA/MOU, and the proper materials and techniques for securing and protecting unanticipated discoveries.

Qualified Professional Archaeologist ("QPA") and Qualified Architectural Historian ("QAH") – Tribal monitors, the QPA, and the QAH who may have a role in monitoring construction at specific sites will be trained in the requirements of any treatment plans that may be in place for a specific site, as well as the provisions of the UDP and Monitoring Plan, as appropriate.

4.4. Training Schedule

The Orientation Training will commence in the period immediately before construction begins and continue to be held no less than weekly until all personnel initially engaged in construction have received the training. Thereafter, training will be conducted on an as-needed basis. The Supervisor Training for the personnel involved in day-to-day construction monitoring will be conducted before those personnel are deployed.

5. CURATION AND REPATRIATION PLAN

This Curation and Repatriation Plan ("CRP") was prepared for the Seacoast Reliability Project ("SRP" or "Project"). The plan identifies the procedures that Eversource Energy ("Eversource") and its contractors will follow for the curation and repatriation of artifacts, human remains, and for the associated documentation resulting from the Project.

The CRP is consistent with the following federal and state regulations and guidelines:

- Section 106 of the National Historic Preservation Act of 1966, as amended ("NHPA", 36 CFR Part 800);
- Archaeological Resources Protection Act of 1979 ("ARPA", 43 CFR Part 7);
- Native American Graves Protection and Repatriation Act ("NAGPRA", 43 CFR Part 10);
- Advisory Council on Historic Preservation: *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects,* Advisory Council February 23, 2007);
- National Park Service: Curation of Federally-Owned and Administered Archaeological
- Collections (36 CFR 79);
- State of New Hampshire RSA Title XIX, Chapter 227-C: 8a-g, Discovery of Remains, etc.;
- State of New Hampshire RSA Title XXVI, Chapter 289, Cemeteries; and
- New Hampshire Division of Historical Resources ("NHSHPO") Standards and *Guidelines for Archaeological Investigations in New Hampshire* [Section VIII, A, B] (2018) and *Curation Guidelines* (n.d.)¹¹.

5.1. Plan Integration

The CRP will operate in conjunction with several other plans that are designed to ensure that historic properties receive appropriate treatment and protection. The *Seacoast Reliability Project Memorandum of Agreement ("MOA") with the U.S. Army Corps of Engineers ("USACE") and the NHSHPO and/or Memorandum of Understanding ("MOU") with the NHSHPO describes measures that will be implemented to avoid, minimize, or mitigate adverse effects on known historic properties within the Project's Area of Potential Effects ("APE"). The <i>Seacoast Reliability Project Unanticipated Discovery Plan* ("UDP") describes the procedures that Eversource and its contractors will follow if potentially significant archeological deposits, human remains, or unanticipated effects to known historic properties are discovered during construction. The *Seacoast Reliability Project Historic Properties Monitoring Plan* ("Monitoring Plan") describes the program that Eversource will implement to monitor construction and other activities that have the potential to impact historic properties. Personnel engaged in the construction of the Project will receive training in accordance with the *Seacoast Reliability Project Historic Properties Training Plan* ("Training Plan").

¹ NHSHPO's curation guidelines are available online at <u>https://www.nh.gov/nhdhr/review/archaeology.htm.</u>

5.2. Personnel Roles and Responsibilities

The following Eversource personnel have supervisory roles in implementing the CRP during the Project. Contact information for the supervisory personnel is provided in the "List of Responsible Personnel" in Attachment A.

<u>Cultural Resource Specialist ("CRS")</u>: An individual meeting the *Secretary of the Interior's Professional Qualifications Standards* (36 CFR 61) and applicable state qualification standards who is responsible for implementing the MOA/MOU and the associated plans, including this CRP.

Qualified Museum Professional ("QMP"): An Individual who meets *The Secretary of the Interior's Professional Qualifications Standards* (36 CFR 61) for Archaeologists and the Museum Professional qualifications set forth in *Curation of Federally-Owned and Administered Archaeological Collections* (36 CFR 79).

Contact information for the individuals at federal and state agencies who have a role in the implementation of the CRP is provided in Attachment B.

5.3. Procedures for the Curation of Artifacts from Private Lands

Artifacts and associated documentation generated from excavations on private lands will be processed and packaged by the QMP in accordance with 36 CFR 79 regulations for the treatment of federally-owned collections and NHSHPO's curation guidelines. The final disposition of the materials will be determined as follows:

- 1. All artifacts recovered from private land in New Hampshire belong to the private property owner as per NHSHPO's *Standards and Guidelines for Archaeological Investigations in New Hampshire, Section VI.B.*
- 2. Ownership of the artifacts will be established using current assessor's data for the property(s) from which the artifacts were recovered.
- 3. When artifacts are recovered, Eversource will notify in writing by certified mail the owner of the property where the artifacts were recovered and inquire if the owner would like to keep the artifacts or donate them to the NHSHPO.
 - a. If the property owner chooses to donate the artifacts to the NHSHPO,

Eversource will provide a written transfer-of-title from the landowner to the State of New Hampshire for signature by both parties.

- b. If the property owner requests the artifacts be returned to him/her, the QMP will prepare the appropriate deaccession paperwork for Eversource to provide to the property owner for signature.
- c. If the property owner does not respond to the artifact disposition inquiry within 45 days of receipt of the initial inquiry letter, a second letter will be sent by certified mail. If the property owner does not respond within 45 days of the receipt of the second letter, the artifacts will revert to the custody of the NHSHPO.

4. For artifacts donated or not claimed by private property owners, the QMP will contact the State Archaeologist to request the deaccession and permanent curation of the remaining materials to NHSHPO's collections facility at 99 Airport Road in Concord. The request will include:

a. Number and type of archaeological artifacts present in the collection $^{\rm 2}$

b. Total number of archival storage boxes

c. Total amount of associated documentation.

- 5. All original site and artifact documentation generated in the field and laboratory, including data forms, maps, photographs, and any documentation relevant to the ownership of the collections, will be included with the collection for permanent curation at the NHSHPO collections facility.
- Once the disposition of the collections has been finalized, Eversource will arrange

for delivery of the artifacts to individual landowners (as requested) and the remaining collection – including all original site and artifact documentation – to the NHSHPO collections facility.

7. Eversource is responsible for the permanent curation costs at the NHSHPO

collections facility in accordance with NHSHPO's cost of \$300 per archival storage box or NHSHPO's permanent curation fees at the time of the collections transfer.

8. At Project construction and, as necessitated by unanticipated discoveries thereafter, Eversource will provide NHSHPO with a report summarizing the final disposition of all archaeological materials with associated transfer-of-title and deaccession

5.4. Procedures for the Re-interment of Human Remains from Non-Federal Lands

The re-internment of human remains on private lands is the responsibility of the State Archaeologist, and Eversource will adhere to the protocols in the UDP to include provisions for the temporary custody of the remains while their final disposition is being determined. If previously-unidentified human remains are found in an existing archaeological collection recovered from private land within

13

the Project, the QMP will immediately notify the State Archaeologist who is responsible for initiating the notification and consultation process detailed in the UDP to include arrangements for the temporary custody of the remains while their final disposition is being determined.

² The NHSHPO curation facility will only accept artifacts recovered from defined archaeological sites. Artifacts collected from non-site contexts (e.g. materials collected from fill or functionally and temporally undifferentiated field scatter) will be disposed of in consultation with the State Archaeologist.

ATTACHMENT A: LIST OF RESPONSIBLE PERSONNEL

Cultural Resource Specialist ("CRS")

TBD

Cultural Liaison

Personnel TBD

Environmental Monitors

Personnel TBD

Tribal Monitors

TBD, if necessary

Qualified Professional Archaeologist ("QPA")

Personnel TBD

Qualified Professional Architectural Historian ("QAH")

Personnel TBD

Qualified Museum Professional ("QMP")

Personnel TBD

ATTACHMENT B: FEDERAL AND STATE AGENCY CONTACTS

Federal Agency Contacts

United States Army Corps of Engineers ("USACE") New England District, Regulatory Division Lindsey Lefebvre, Project Manager 696 Virginia Road Concord, MA 01742-2751 (978) 318-8338 Lindsey.E.Lefebvre@usace.army.mil

New Hampshire State Contacts

Office of the Chief Medical Examiner ("OCME") 246 Pleasant Street, Suite 218 Concord, NH 03301-2598 Telephone: (603) 271-1235

State Historic Preservation Office (SHPO) Tanya Krajcik Deputy State Archaeologist 19 Pillsbury Street - 2nd floor Concord, NH 03301-3570 (603) 271-6568 tanya.krajcik@dncr.nh.gov ÷

MEMORANDUM OF AGREEMENT BETWEEN US ARMY CORPS OF ENGINEERS, NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY REGARDING THE SEACOAST RELIABILITY PROJECT FROM MADBURY SUBSTATION TO PORTSMOUTH SUBSTATION, NEW HAMPSHIRE

WHEREAS, the US Army Corps of Engineers ("USACE") plans to authorize a Wetlands Permit to Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") for the Seacoast Reliability Project from Madbury Substation to Portsmouth Substation, New Hampshire ("undertaking") in accordance with their Section 404 authority (33 USC 1344); and

WHEREAS, the undertaking consists of a new 13-mile 115-kV electric transmission line between existing substations in Madbury, New Hampshire and Portsmouth, New Hampshire and to upgrade existing substations (collectively known as the Seacoast Reliability Project (the "Project"), including relocating and rehabilitating one contributing feature of the Little Bay Underwater Cable Terminal Houses Historic District (Durham Terminal House) from its present location as well as removing sections of the historic underwater cables; and

WHEREAS, USACE has defined the undertaking's area of potential effects (APE) in Attachment A; and

WHEREAS, USACE has determined that the undertaking shall have an adverse effect to the Little Bay Underwater Cable Terminal Houses Historic District, a property eligible for listing on the National Register of Historic Places (NR), and has consulted with the NH State Historic Preservation Officer ("NHSHPO") pursuant to 36 Code of Federal Regulations ("CFR") part 800, and 33 CFR Part 325, regulations implementing Section 106 of the National Historic Preservation Act (16 USC §470f); and

WHEREAS, there are no tribes required for consultation within New Hampshire; and

WHEREAS, USACE has consulted with the Town of Newington regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a Concurring Party and public involvement was sought and carried out at numerous meetings beginning in 2013 extending into 2017; including meetings required by the New Hampshire energy facility siting process, meetings conducted by Eversource and the NHSHPO on January 10, 2017 in Portsmouth, NH and October 27, 2017 in Durham, NH and a Consulting Party meeting in Newington, NH on October 4, 2017; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(l), USACE has notified by letter dated July 9, 2018 the Advisory Council on Historic Preservation ("ACHP") of its adverse effect determination with specified documentation to 36 CFR §800.6(a)(l)(iii); and

WHEREAS, upon execution of this Memorandum of Agreement, Eversource Energy shall enter into a Memorandum of Understanding with the NHSHPO stipulating mitigation that Eversource Energy shall carry out in order to address additional adverse effects of the undertaking; and

NOW, THEREFORE, USACE, the NHSHPO, and Eversource Energy, agree that, in the event that the Seacoast Reliability Project is approved and implemented, the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The USACE shall ensure that the following measures are carried out in consultation with the NHSHPO:

I. Historic American Engineering Record (HAER) of the Little Bay Underwater Cable Terminal Houses Historic District

Eversource shall fund and oversee completion of a Historic American Engineering Record (HAER) Documentation of the Little Bay Underwater Cable Terminal Houses Historic District which shall be undertaken by an Architectural Historian qualified under 36 CFR 61. The HAER documentation shall consist of an outline format engineering structures report including large format photographs, photo key and index, site plan, and outline narrative. The documentation shall include both cable terminal houses (one in Durham and one in Newington) and the underwater cables. A digital based measured drawing (obtained from a LeicaT BLK360T 3-D LIDAR scanning instrument) of the cable terminal house on the Durham side only shall be completed and included in the documentation. The underwater cable documentation shall consist of narrative information and/or site plans and historic maps that show the location of the cables.

A digital draft HAER document shall be submitted to NHSHPO for review and comment for a period of 45 days. One draft copy shall then be provided by Eversource Energy on behalf of USACE, to NPS for review and comment.

Following NPS comment, one final archival copy (with one set of photographs/negatives) shall be submitted to NPS and the NHSHPO (in archival folder) by Eversource Energy. In addition, a digital PDF copy shall be submitted to NHSHPO. One copy printed on archival paper shall be submitted to the appropriate local repositories in Durham and Newington.

Stipulation I shall be completed within three (3) years of execution of this agreement.

II. Stabilization, Relocation, and Rehabilitation of Durham Cable House Terminal

Eversource Energy shall fund and oversee work to stabilize and move the Durham side cable terminal house fifty (50) feet to the north of its historic location during construction. Once the construction has been completed, Eversource Energy shall permanently place the Durham cable terminal house in a location twelve (12) feet to the west of and fifteen (15) feet to the north of its historic location. The Durham cable terminal house shall be placed on a new foundation constructed of field stone and mortar set upon a below-grade concrete footing. All work shall follow specifications outlined in the plans found in Attachment B.

Eversource Energy shall fund and oversee the rehabilitation of the Durham side cable terminal house once it has been placed in its new permanent location. All work shall follow the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and shall be overseen by a 36 CFR 61 qualified Architectural Historian. Rehabilitation work shall include brick masonry wall repointing, roof repair, door and window repair and work to ensure the floor system is stable. Eversource Energy

2

and its Architectural Historian shall consult with NHSHPO when implementation of the plans is at 50% and 90% complete to ensure that the *Standards* are being met.

Stipulation II shall be completed within five (5) years of execution of this agreement.

III. Exterior Interpretive Signage

Eversource Energy shall fund and install interpretive signage at Fox Point to interpret the historical and engineering/technological significance of the Little Bay Underwater Cable Terminal Houses Historic District. Development of the signage shall be overseen by a 36 CFR 61 qualified Architectural Historian. Signage shall include narrative, photographs and other graphics and shall place the resource within the overall historic context of electric transmission in the region. NHSHPO shall be provided 30 days to review and comment on draft text/layout. The panel shall be placed at Fox Point on land owned by the Town of Newington. The specific location is to be decided by Town of Newington, in consultation with Eversource Energy and NHSHPO.

IV. Interior Interpretive Displays in Durham and Newington

Eversource Energy shall fund and oversee the development of two identical interpretive displays, one each for the towns of Durham and Newington to convey the historical and engineering significance of the Little Bay Underwater Cable Terminal Houses Historic District. The work shall be overseen by an Architectural Historian qualified under 36 CFR 61. Consultation on the content of the displays shall be between Eversource Energy, NHSHPO, the Town of Durham, and the Town of Newington. At a minimum, the displays shall exhibit samples of the historical underwater cable and new underwater cable, provide a narrative on the historic and modern technology involved, and summarize a history of the resource. NHSHPO shall have 30 days to review and comment on the text/layout of the displays. NHSHPO, the Town of Durham and the Town of Newington shall consult with Eversource Energy to identify appropriate publicly accessible venues in each community to install the displays.

Stipulation IV shall be completed within three (3) years of execution of this agreement.

ADMINISTRATIVE CONDITIONS

I. POST-REVIEW DISCOVERIES

If previously unidentified historic properties are discovered during the Project, the Signatories to this agreement shall be notified immediately and any work that could potentially impact the resource shall be suspended. The parties shall consult about ways to avoid, minimize or mitigate any effects that the Project may have on the resource and, if necessary, amend this Agreement to provide for the treatment of the resource.

II. DURATION

This MOA shall be null and void if its terms are not carried out within five (5) years from the date of NH Site Evaluation Committee ("NHSEC') written approval. Prior to such time, USACE may consult with the other Signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V., below.

3

III. MONITORING AND REPORTING

Each year following the execution of this MOA until, the work is complete, the permit expires, or the permit is terminated, Eversource shall provide all parties to this MOA a summary letter report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received by USACE in its efforts to carry out the terms of this MOA.

IV. DISPUTE RESOLUTION

Should any Signatory or concurring party to this MOA object at any time to any actions proposed under this Section 106 MOA, or the manner in which the terms of this MOA are implemented, USACE shall consult with such party to resolve the objection. If USACE determines that such objection cannot be resolved, USACE shall:

A. Forward all documentation relevant to the dispute, including the USACE's proposed resolution, to the Advisory Council on Historic Preservation ("ACHP"). The ACHP shall provide USACE with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute,

USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories and concurring parties, and provide them with a copy of this written response USACE shall then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. Eversource Energy shall continue to fulfill its responsibilities relating to the undertaking that are subject to the terms of this MOA and which are not the subject of, or adversely affected by, the dispute.

VI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment shall be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

V. TERMINATION

If any Signatory to this MOA determines that its terms shall not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation V, above. If within thirty (30) days an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, USACE must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USACE shall notify the Signatories as to the course of action it shall pursue.

Execution of this MOA by the USACE and NHSHPO and implementation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

Frank J. Delgiudice, US Army Corps of Engineers Chief, Permits and Enforcement Branch C **Regulatory Division**

Jach Inch

Nadine Miller, Deputy State Historic Preservation Officer New Hampshire Division of Historical Resources

INVITED SIGNATORY:

Mary Ellen Paravalos, Vice-President of ISO,

Siting and Compliance, Eversource Energy Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant)

CONCURRING SIGNATORIES:

Martha Roy, Town Administrator Town of Newington

Todd Selig, Town Manager Town of Durham

Date Date

21/2018 Date

9/24/2018 Date

Date

Date

5

Attachment A



DEPARTMENT OF THE ARMY NEW ENGLAND DISTRICT, CORPS OF ENGINEERS 696 VIRGINIA ROAD CONCORD, MASSACHUSETTS 01742-2751

May 4, 2015

Regulatory Division CENAE-R-PEC File Number: **NAE-2015-665**

Elizabeth Muzzey, Director and State Historic Preservation Officer NH Division of Historical Resources 19 Pillsbury Street Concord NH 03301-3570

Dear Ms. Muzzey:

This regards the construction of the new Seacoast Reliability Line (SRP) 115kV transmission line within the existing Right-of-Way (ROW) connecting Eversource's Madbury Substation to Eversource's Portsmouth substation in Portsmouth NH. The overhead transmission structures are all located within an existing right-of-way. In addition, one mile of underwater cable will be buried in Little Bay using jetplow technology. All construction vehicle access roads and workpads in sensitive resource areas will be covered with timber matting during construction with appropriate erosion controls as needed.

The application for a Section 404 and section 10 permit for the SRP project has been assigned file number NAE 2015-665. For purposes of our permit review, the Corps is evaluating the entire SRP project as one permit application and providing the permit area plans for each state to the appropriate state historic preservation office.

This Corps response letter is in answer to the March 20, 2015 letter request by Eversource's consultant Normandeau Environmental Consultants requesting a permit area determination for their project. Project plans were submitted by Normandeau identifying the sensitive areas, timber mat, and permanent fill for access and new pole placements for the project. A plan set is enclosed with this mailing for your use.

Corps jurisdictional areas are limited to wetlands or waters of the US. The Corps has determined their federal permit area for this project to be where the timber mat access way is established within wetlands and waters of the US along the right of way (ROW) for accessing the new transmission line pole locations. The undertaking consists of the use of timber mats on existing ATV trails which traverse wetlands along the ROW to access the new utility pole locations would have no potential to cause effects on resources. Work which does not involve the discharge of dredged or fill material in wetlands is not regulated by the Corps.

Section 106 of the National Historic Preservation Act states "The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into

Attachment A

account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register."

We have reviewed and enclosed Normandeau's archeological sub-consultant, Victoria Bunker Inc. (VBI) Phase I-A Archeological Survey of the SRP corridor, and the historical sub-consultant, Archeological and Historical Services (AHS), historical review report for potential resource finds for the SRP line sensitivity assessment within the F 107 ROW. The SRP project is approximately 13-mile-long line utilizing an existing transmission right-of-way that already has overhead power lines. Approximately 1 mile will be a submarine cable under Little Bay between Durham and Newington.

A summary of Corps permit areas within the ROW and potential work efforts are:

Plan page 1, 2, 3, 4,

No Corps permit is required. No ground disturbing activities in Corps permit areas are proposed within a sensitive area.

Plan page 5

Sensitive area Durham 4 is access through uplands. No Corps permit is required. No ground disturbing activities in Corps permit areas are proposed within the sensitive area.

Plan Page 6

The location of new pole 37 is in the Corps permit area near sensitive area Durham 2. A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan page 7

The location of new pole 49 is in the Corps permit area near sensitive area Durham 3. A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan Page 8

The location of new pole 53 is in the Corps permit area near sensitive area Durham 5 and a phase 1B analysis of the ground disturbing activities for this structure is recommended. No ground disturbing activities are located within Durham 4 or Durham 6.

Plan page 9

The location of new pole 60 is in the Corps permit area near sensitive area 7 and a phase 1B analysis of the ground disturbing activities for this structure is recommended. No ground disturbing activities are located within Durham 8.

Attachment A

Plan page 10

The location of new pole 69 is in the Corps permit area and sensitive area Durham 10. A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan page 11

No Corps permit is required. No ground disturbing activities in Corps permit areas are proposed within a sensitive area.

Plan pages 12

The location of new pole 80 is in the Corps permit area and sensitive area Durham 11. A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan page 13

Pole 85 is within a Corps permit area and a sensitive area (Durham 13). A phase 1B analysis of the ground disturbing activities for this structure is recommended. No Corps permit is required in sensitive areas Durham 14, 15 or 16. No ground disturbing activities in wetlands are proposed within the sensitive area.

Plan Page 14

Pole 90, 92, and 93 located in sensitive area Durham 17 are within a Corps permit area. A phase 1B analysis of the ground disturbing activities for these structures is recommended.

Plan page 15

Pole 96 is within a Corps permit area and a sensitive area (Durham 18). A phase 1B analysis of the ground disturbing activities for this structure is recommended.

Plan page 16

No Corps permit is required in sensitive areas Durham 19. No ground disturbing activities in wetlands are proposed within the sensitive area.

Plan page 17

Pole 108, 110, 111, and 112 are within a Corps permit area and sensitive areas. A phase 1B analysis of the ground disturbing activities for this structure is recommended.
Attachment A

Plan page 18, 19

A phase 1B is not required for the jetplowing area. In a meeting between Eversource and the DHR on April 4, 2015, the DHR did not express any concern for resources in this area and agrees with the Bunker report stating that "no further archeological survey is recommended".

Plan Page 20

Pole 113 is within a Corps permit area and located near sensitive area New 1. A phase 1B analysis of the ground disturbing activities for these structures is recommended.

Plan Page 21

Pole 117 is within a Corps permit area and located near sensitive area New 3. A phase 1B analysis of the ground disturbing activities for these structures is recommended. No ground disturbing activities in wetlands are proposed within sensitive areas New 2 and New 4.

Plan Page 22

No Corps permit areas are found within sensitive area New 5.

Plan Page 23

Pole 126 is within a Corps permit area and located near sensitive area New 6. A phase 1B analysis of the ground disturbing activities for these structures is recommended.

Plan pages 24, 25, 26, 27, 28

No ground disturbing activities in sensitive areas are proposed. 1B is not required

To summarize, a phase 1B is recommended for ground disturbing activities associated with pole locations 37, 49, 53, 60, 69, 80, 85, 90, 92, 93, 96, 108, 110, 111, 112, 113, 117, & 126.

Enclosed for your use are the phase 1A reports associated with this project. Please contact us if there are any resources which have not been reported to the Corps.

Attachment A

Please either contact me or have a member of your staff contact David Keddell of my staff at 978-318-8692 with your resource determination or if you have any questions or comments concerning the Corps permit areas.

Sincerely,

J. Delgiudice Chief, Regulatory Division Branch C

Attachments

Copy Furnished:

Laura V. Games, Esq., Project Siting and Permitting Specialist Transmission Group, PSNH Energy Park, 780 North Commercial Street, Manchester, NH 03101

Sarah Allen, Principal Wetland Scientist, Normandeau Associates, Inc, 25 Nashua Road, Bedford, New Hampshire 03110























