



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

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September 3, 2015

Michael J. Iacopino
Brennan Caron Lenehan & Iacopino
85 Brook Street
Manchester, NH 03104

RECEIVED

SEP 08 2015

BRENNAN LENEHAN

Re: Joint Application of New England Power d/b/a National Grid (NEP) & Public Service Company of New Hampshire d/b/a Eversource Energy, Merrimack Valley Reliability Project.
Site Evaluation Committee No. 2015-05

Dear Mr. Iacopino:

Thank you for the opportunity to provide comment on the New England Power d/b/a National Grid & Public Service Company of New Hampshire d/b/a Eversource Energy joint application for the siting, construction and operation of a 345 kV Transmission Line from the 22A substation in Tewksbury, Massachusetts to the Scobie Pond Substation in Londonderry, New Hampshire. In New Hampshire, the Project will traverse the towns of Pelham, Windham, Hudson and Londonderry. The portion of the proposed project within New Hampshire is divided into three segments, called Segments 2, 3 and 4. Segment 2 will be owned and operated by NEP, while Segments 3 and 4 will be owned and operated by Eversource.

The New Hampshire Division of Historical Resources (DHR) has a responsibility to review the project under NH RSA 227-C:9, as well as under Section 106 of the National Historic Preservation Act (NHPA). NH RSA 227-C:9 directs all state agencies, departments, commissions and institutions to fully cooperate with the DHR in identifying historical resources and addressing adverse effects during state-assisted projects, activities and programs. Section 106 of the NHPA requires consideration of historic preservation in the multitude of federal actions that take place nationwide. Section 106 requires federal agencies to consider the effects of their actions on historic properties and provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on them prior to implementation. For the Section 106 review of the Merrimack Valley Reliability project, the US Army Corp of Engineers (ACOE) has been designated the lead federal agency for the review.

Archaeological Resources

The **Segment 2** corridor is currently occupied by three existing overhead transmission lines for 7.6 miles running from Pelham to Hudson. An existing line will be removed and relocated on new steel structures along the western edge of Segment 2 to accommodate the new 3124 Line. The 3124 Line will be located between the two 230 kV lines for the entire length of Segment 2. Segment 2 is owned and operated by NEP.

As part of the current project review, a Phase IA archaeological survey was conducted on Segment 2 in June 2015 by Public Archaeology Laboratory (PAL) and submitted to the DHR for review. A Phase IA survey consists of archival research and a visual assessment survey designed to collect information about and inventory previously



recorded archaeological sites along the transmission corridor. The DHR concurred with the recommendations for further archaeological investigations provided on Pg. 12 (attached) of the Phase IA Report, including subsurface testing (Phase IB) in archaeologically sensitive areas within the existing transmission corridor (39.6% of the corridor). Subsurface testing (Phase IB) was also recommended for archaeologically sensitive access routes, pole laydown/staging areas, also where ground disturbances associated with new pole or pole relocations will occur. There Phase IB investigations will demonstrate the presence or absence of archaeological sites that should be further documented prior to their destruction during project construction. Although the Phase IB investigations are not yet complete, the DHR expects continuing cooperation between the applicant, its consultants and the ACOE and the completion of all phases of archaeological investigations in order to avoid adverse effects under Section 106.

It is important to note that the Phase IA report identified 130 archaeologically sensitive areas within the corridor. However, in its review of the Phase IA report, the ACOE, as the lead federal agency under Section 106, determined that only 21 archaeologically sensitive areas were in its permit areas and recommended only those 21 areas for further investigation.

As background, the Corps of Engineers has developed alternative procedures for implementing its federal responsibilities under the NHPA, referred to as Appendix C. The ACHP, the independent federal agency charged with administering the NHPA's Section 106 review process, has not approved Appendix C as an alternative procedure, pursuant to 36 CFR 800.14. The DHR's letter of May 26, 2015 to the Corps of Engineers (attached) discusses this issue further. However, the applicant appears to have committed to testing all archaeologically sensitive areas within Segment 2, avoiding further discussion of jurisdictional issues and the potential destruction of archaeological resources during the construction of this project.

Segment 3 is a 3.9 mile portion of the project that is located in the 220-foot Eversource Right-Of-Way (ROW) from Hudson to Londonderry where it runs parallel to a continuation of the NEP ROW. The new 3124 Line will be installed within the eastern edge of the Eversource ROW. Segment 3 is currently occupied by a single existing overhead 345 kV transmission line. Segment 3 will be owned and operated by Eversource. Segment 3 was previously surveyed in 2011 for a Thermal Uprate Project. For that project, the Phase IA survey was conducted with an appropriate level of reconnaissance for the type of project impacts resulting from a Thermal Uprate project. The DHR concurred with the opinion that "no historic properties would be affected" as it related to the Thermal Uprate undertaking. The archaeological consultant working on the current Merrimack Valley Reliability project recommended no further investigations in Segment 3; the DHR concurred with this recommendation.

Segment 4 is a 5.9 mile portion of the Project located within the Eversource ROW in Londonderry after diverging from the NEP ROW. In Segment 4, the new 3124 Line will be installed within the center of the Eversource ROW. Segment 4 is currently occupied by up to five transmission lines; at some locations, the ROW also contains distribution circuits. Segment 4 will be owned and operated by Eversource. This portion of the line has had a number of surveys conducted through the years for several of the five transmission lines in it; the last survey, conducted in 2008, assessed areas east of the existing corridor. The DHR would like to note that the 2008 survey discovered that archaeological sites identified in surveys in the 1990's had since been destroyed by activities such as ATV recreational traffic or line maintenance occurring within the transmission corridors. The archaeological consultant working on the current Merrimack Valley Reliability project recommended no further investigations in Segment 4; the DHR concurred with this recommendation.

Architectural and Other Above Ground Resources

The DHR has also reviewed a due diligence report for above ground resources associated with the Merrimack Valley Reliability project to identify potential effects to historic resources listed, or eligible for listing, in the National Register of Historic Places. The DHR agreed with the report's recommendations that there is no potential to affect above ground resources in the New Hampshire portion of the project and that no further studies were required.

Thank you for the opportunity to comment on the application for the Merrimack Valley Reliability Project. Please feel free to contact the DHR with any further questions.

Sincerely,

A handwritten signature in black ink that reads "Edna Feighner". The signature is written in a cursive style with a large, looping initial "E".

Edna Feighner
Review and Compliance Coordinator, Archaeologist.

Attachments (2)

no new pre- or post-contact sites identified on the surface during the walkover survey along the NEP ROW. The area where the Pelham Incinerator Site (27-HB-209) was located has been developed along Newcomb Field Parkway; no evidence of the site was detected and the area was determined to possess low archaeological sensitivity due to construction and grading disturbance along the NEP ROW. Approximately 39.6% of the NEP ROW was determined to be archaeologically sensitive for pre-contact resources based on level, undisturbed terrain and well drained soils. The remaining 60.4% of the NEP ROW was not considered archaeologically sensitive due to excessive modification of the landscape through soil removal and redeposition, sand and gravel pit operations, deeply cut recreational trails, landscaping and dumping, exposed bedrock, wetlands, and steeply sloped terrain.

Subsurface testing as part of a Phase IB survey is recommended for archaeologically sensitive areas within the existing transmission line ROW where ground disturbances associated with new pole or pole relocations will occur. Additionally, subsurface testing is recommended for archaeologically sensitive access routes and pole laydown/staging areas that have not been previously disturbed or used for vehicular access or equipment storage. The purpose of the Phase IB survey will be to locate and identify any potentially significant archaeological resources within Project impact areas. The testing will be sufficient to provide a preliminary indication of the type, integrity, and potential significance of any identified belowground resources.

The Phase IB research design and testing methodology will be developed in accordance with NHDHR guidelines for archaeological survey and subsurface testing. No additional archaeological investigations are recommended for non-sensitive portions of the Project ROW in Segment 2 or the accessways within the NEP ROW in Segment 3. Segments 3 and 4 previously underwent a Phase IA archaeological survey and NHDHR project review for the PSNH 326 Line Thermal Uprate Project and the project received a determination of no effect from NHDHR (R&C #4356). Therefore, based on this prior NHDHR determination, another Phase IA of the PSNH portion is not needed.

References

- Bunker, Victoria
2011 RPR Report PSNH 326 Line Thermal Uprate Project. Submitted to NH Division of Historic Resources.
- Cassedy, Daniel, Todd Cleveland, Mark Chancellor, and Jeffery Holland
1999 *Cultural Resources Survey of the NH Portion of the Londonderry Lateral Pipeline Replacement Project, Rockingham and Hillsborough Counties, NH*. Submitted by Garrow & Associates.
- Donohue, Barbara, Dawn R. Lassman, Thomas P. Mailhot, and Michael E. Roberts
2008 *Phases IA and IB Archaeological Survey Z-119 Power Line Right of Way Londonderry, Rockingham County, and Hudson, Hillsborough County, New Hampshire*. Submitted by JMA.



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May 26, 2015

Frank Delguidice
Regulatory Branch
NE Division of Corps of Engineers
Department of the Army
696 Virginia Rd
Concord, MA 01742-2751

Re: Merrimack Valley Reliability Project (MVRP or 3124 Line) 345 kV Transmission Line,
Londonderry to Pelham, NH
New England Power d/b/a National Grid (NEP) and Eversource Project, NAE 2015-454

Dear Mr. Delguidice,

We have received your letter of May 4, 2015 regarding the above referenced project. Your letter further identifies components or segments of this project delineated by state, ownership and line alignment. The portion of the project that falls into New Hampshire includes Segments 2, 3 and 4. Segment 2 will be owned and operated by NEP, while Segments 3 and 4 will be owned and operated by Eversource. Archaeological assessments were completed on Segments 3 and 4, and although our office concurred with the assessments provided, we continue to understand that only Phase 1B testing that has occurred has been in the Areas of Potential Effect (APE) designated by the Corps without consultation with the NH State Historic Preservation Officer (NH SHPO)

This letter appears to constitute a review of the archaeologically sensitive areas identified in a Phase IA report prepared by Public Archaeology Laboratory, Inc. (PAL) for Segment 2 which also includes the historical review report for architectural resources, also prepared by PAL for Segment 2, and the determination by your office on APE.

To date, in our consultative role under Section 106, this office concurs with the archaeological consultants' identification of 130 archaeologically sensitive areas (ASA) in Segment 2 and with the recommendation that each should be further identified through Phase IB survey. The Corps', however, appears to have continued its review without further consultation with our office, including the determination of an APE that is far smaller, both in terms of the number of ASAs included and the extent of the identification efforts within each ASA to be surveyed. The Corps has identified only 21 ASAs at particular pole locations that will require Phase 1B testing.



Had the NH SPHO been offered the opportunity to further consult on this project prior to the Corps' May 4, 2015 letter, we would have made it clear that we cannot concur with the Corps' findings in a number of areas. First and foremost the SHPO disagrees with the use of the Corps' Appendix C to determine the APEs. We believe that this undertaking will have the potential to cause direct as well as indirect effects on unidentified historical resources. Additionally, these include the elimination of over 100 of the ASAs from the Phase IB survey and specifically, only certain identified pole locations are recommended for Phase IB investigations rather than the extent of the archaeologically sensitive areas within the project right-of-way. The SHPO believes that project effects within these areas are not limited to pole replacements, but also include the access roads and associated work areas. These activities have the clear potential to effect archaeological resources.

In closing I would like to make these points. It is the opinion of the SHPO that the Corps' use of Appendix C is not consistent with the Advisory Council's regulations pursuant to 36 CFR PART 800.14(a) Section 110(a)(2)(E) of the National Historic Preservation Act. There has been no consultative process between the SHPO and the Corps on the development of the APE for the MVRP 345 kV Transmission Line, which does not meet the requirements for consultation in the Section 106 process. It is also the opinion of the SHPO that with the issuance of the permit for the MVRP 345 kV Transmission Line there is a potential for adverse effects on unevaluated or unidentified historical resources that may occur through project implementation.

We also have similar objections with regard to APE determinations on several other recent permit issuances for NED, including NAE 2015-442 and 2014-441, and the SRP NAE 2015-665.

With regard to the above ground resources or the historic architectural resources in Segment 2 as presented in the Cultural Resources Due Diligence Report, based on the scope of the project the SHPO has determined that there will be no need for additional survey and that there will be no potential for visual effects on historic properties. However, we have no historic architectural resource information on Segments 3 and 4 and cannot comment on the need for additional survey or potential visual effects.

Sincerely,



Elizabeth H. Muzzey,
State Historic Preservation Officer
NH Division of Historical Resources

EHM:emf

Cc: John Eddins, ACHP
Laura Games, Eversource
Deborah Cox, PAL, Inc.
Josh Holden, National Grid