

MEMORANDUM

TO: NH Site Evaluation Subcommittee
FROM: Michael J. Iacopino, Committee Counsel

RE: Groton Wind, LLC
Docket No. 2010-01
Historic Resources

DATE: September 19, 2011

This memorandum should serve as a final report on my monitoring of the outstanding historic resource issues in the above referenced docket.

On August 31, 2011, and September 13, 2011, I attended follow-up meetings with representatives of Groton Wind LLC (Applicant), the United States Army Corps of Engineers (ACOE), the New Hampshire Division of Historic Resources (NHDHR), the National Council on Historic Preservation (NCHP) and Counsel for the Public. In addition I have been in frequent communication by e-mail with the above referenced parties as well as other stakeholders in the process including intervenors, Cheryl Lewis and Lawrence Mazur as well as the Rumney Select Board and the Rumney Planning Board. These meetings were conducted in an effort by the parties to come to a Memorandum of Agreement regarding historic resource issues as part of the process required by Section 106 of the National Historic Preservation Act. Compliance with Section 106 is a prerequisite for the ACOE to issue a Section 404 Permit under the Federal Clean Water Act. Most of the e-mail correspondence involved the distribution of draft memorandums of agreement between the parties. However, correspondence with the intervenors and the Town of Rumney Boards did include complaints regarding the speed of the Section 106 process and the lack of ability for public input¹. My role in this process was to monitor the process and to report back to the Site Evaluation Committee.

On September 16, 2011, the parties reached a final agreement, a Memorandum of Agreement (MOA) was signed and a Section 404 Permit was issued. A copy is attached hereto.

In pertinent part, the MOA identifies a number of properties within the Area of Potential Effect (APE) that are either listed or eligible for listing in the National Register of Historic Places. Of those that have been identified, only two: the Circle House and the Rumney Village District (by consensus) were determined to be adversely effected by the Project. Provisions within the MOA also address the revision of certain area forms and the process to be employed in the event that additional historic resources are discovered within the APE.

¹ In response to correspondence from Ms. Lewis, Mr. Mazur and the Town Boards, I explained my role as an observer and directed them to the ACOE to lodge any complaints or concerns.

As result of the adverse effects on the identified resources, the parties also included mitigation provisions within the MOA. The mitigation provisions are:

1. A payment of \$100,000.00 to the New Hampshire Land and Community Heritage Investment Program (LCHIP) to be used for the preservation of agricultural land and/or historic buildings in the vicinity of the Rumney Village Historic District.
2. The Applicant will employ an architectural historian in an amount not to exceed \$10,000.00 who will conduct “visioning sessions” and prepare a “preservation action plan” for the Town of Rumney.
3. The Applicant will expend up to \$50,000.00 in having its new historic resources consultants review and revise the Historic District Area Forms for Rumney Village, Rumney Depot and Quincy Road and to review and revise the Individual Inventory Forms for the Daniel Walker House and the Kidder House/Penn Farm.
4. If previously unidentified historic resources are determined to exist the Applicant and the ACOE shall meet to determine if additional mitigation measures are necessary.

While monitoring this “roundtable” process it has been my observation that all parties acted earnestly and in good faith in an effort to reach an MOA. In particular, the Applicant retained new historic resource consultants and was at the forefront of the drafting process for the MOA. Likewise, NHDHR, the ACOE and the National Council on Historic Preservation were responsive to the Applicant’s needs, timetable and concerns. In the light of the problems as originally defined by the NHDHR I believe that all parties worked diligently to achieve a satisfactory regulatory solution.

In the future it would be best if such issues could be addressed by a similar “roundtable” process earlier in the proceedings.

If you have any questions or concerns please feel free to contact me.

/mji

Attachment: Section 404 Permit