

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES AS THE STATE  
HISTORIC PRESERVATION OFFICE  
and  
NORTHERN PASS TRANSMISSION LLC  
REGARDING THE  
NORTHERN PASS TRANSMISSION LINE PROJECT**

**WHEREAS**, Northern Pass Transmission LLC (“NPT”) is seeking state and federal permits for the construction of the 192-mile long Northern Pass transmission line (the “Project” or “Undertaking”), that will run from the Canadian border at Pittsburg, NH, to Deerfield, NH and the Project requires a Presidential Permit (under Executive Order 10485) from the United States Department of Energy (“DOE”); and

**WHEREAS**, DOE, the lead federal agency for the purposes of complying with 36 CFR Part 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**, DOE has initiated consultation with the Division of Historical Resources (“NHDHR”) as State Historic Preservation Officer pursuant to 36 CFR Part 800; and

**WHEREAS**, NHDHR has reviewed and approved Phase I-A Archeological Survey reports submitted by consultants on behalf of DOE, and NHDHR has reviewed Phase I-A Archeological Survey reports and certain Phase I-B Archeological Survey reports submitted by consultants on behalf of NPT for the Project; and

**WHEREAS**, NHDHR and DOE have reviewed and commented on Project Area Forms (“PAFs”) submitted by consultants on behalf of DOE in the Section 106 process, and the consultants are in the process of revising the PAFs in response to NHDHR’s comments; and

**WHEREAS**, NPT filed an application for a Certificate of Site and Facility to the NH Site Evaluation Committee (“SEC”) on October 19, 2015, including its archaeological Phase I-A and Phase I-B reports, preliminary information on the above ground resources by NPT consultants, and information on the Section 106 process for the Project; and

**WHEREAS**, the information on the above ground resources prepared by NPT consultants contained within the SEC application may differ from findings of DOE and NHDHR under Section 106; and

**WHEREAS**, NHDHR submitted letters to the SEC on November 12, 2015 and on November 30, 2015 indicating that the application was incomplete for NHDHR purposes, seeking additional information from NPT and proposing that the execution of a Programmatic Agreement (“PA”) would render the SEC application complete for NHDHR purposes; and

**WHEREAS**, DOE has drafted a PA and NHDHR and NPT have urged DOE to expedite its completion, but an executed PA is not imminent given the need for consideration of views from other federal agencies, NHDHR, NPT, the Advisory Council for Historic Preservation (ACHP) and Section 106 consulting parties;

**WHEREAS**, on December 1, 2015 NPT and NHDHR met to discuss NHDHR's November 12 and 30, 2015 letters and agreed to prepare a Memorandum of Understanding (MOU) to address these issues and resolve NHDHR's concerns expressed in the foregoing letters regarding the completeness of NPT's SEC application; and

**WHEREAS**, the purpose of this MOU is to serve as a bridge to the anticipated execution of the PA as part of the Section 106 process and thereby satisfy the SEC completeness requirement as it pertains to the NHDHR.

**WHEREAS**, NPT and NHDHR acknowledge timing issues associated with the execution of the PA and agree that the use of a MOU does not set a precedent for historic resource review of future projects.

**NOW, THEREFORE**, NHDHR and NPT agree as follows:

**A. GENERAL PROVISIONS**

1. This MOU shall remain in full force and effect until a PA has been fully executed and takes effect. The fully executed and effective PA will supersede this MOU thereafter. NPT and NHDHR acknowledge DOE's responsibilities under Section 106 including consultation with all appropriate parties in the Section 106 process and finalizing the PA.
2. 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.
3. NPT shall supplement its SEC application to include the Phase I-A Archeological Survey reports prepared on behalf of DOE and the PAFs as currently prepared on behalf of DOE.
4. NPT shall further supplement its SEC application to include a summary of the DOE and NHDHR findings on the reports prepared under the MOU.

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**B. IDENTIFICATION OF ARCHEOLOGICAL RESOURCES**

1. NPT has completed Phase I-A surveys to determine areas of archeological sensitivity.
2. NPT has completed certain Phase I-B archeological surveys.

3. NPT will conduct additional Phase I-B archeological surveys for the remaining archeological sensitivity areas identified by NPT's consultants in the NPT Phase I-A reports and any additional sensitivity areas identified by the DOE consultants in its Phase I-A reports.
4. The remaining Phase I-B surveys for the overhead portions of the NPT route will be completed in accordance with the methods that have been approved for this Project by NHDHR and that have been followed by NPT's consultants to date.
5. The Phase I-B surveys for the underground portions of the NPT route will be completed as discussed with NHDHR and recommended in the Phase I-A reports for the underground sections.
6. NPT will submit these reports on a rolling basis to DOE and NHDHR in the Section 106 process for review and comment. NPT will also submit a final, archival quality, report of the Phase I-A and Phase I-B results as requested by NHDHR.
7. NPT shall use best efforts to complete the remaining Phase I-B field work by September 30, 2016 and the final reports no later than November 30, 2016.
8. Phase II and III work will be specifically addressed in the PA as part of the Section 106 process.
9. NPT agrees that materials recovered from all phases of archeological investigations along with supporting documentation shall be curated at NHDHR, according to the NHDHR curation standards, together with the then applicable fee (currently \$400 per box).

**C. IDENTIFICATION OF ABOVE GROUND HISTORIC RESOURCES**

1. NHDHR will complete its review of PAFs upon receipt of anticipated revisions from DOE.
2. NPT will complete NHDHR Survey Forms in accordance with NHDHR Standards and Guidelines. These survey forms will be completed for the properties identified by DOE in consultation with the NHDHR after review of the final PAFs. NHDHR will provide the final list of properties for each PAF as the review by DOE and NHDHR is completed. NPT shall expedite completion of these survey forms on a rolling basis as the final PAFs are received.
3. Survey forms will be submitted to DOE and NHDHR for review pursuant to 36 CFR 800.4c and the NHDHR Determination of Eligibility Committee review process.
4. All survey work prepared by NPT will be performed under the supervision of an individual who meets or exceeds the professional qualification standards defined in

the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-44739, September 19, 1983).

5. NPT will engage qualified professionals in disciplines such as ethnography and cultural landscape to complete a traditional cultural property survey or cultural landscape report, as required, as part of the identification of above ground historic resources.
6. NPT shall use best efforts to complete all above ground historic resources survey forms by October 31, 2016, dependent on DOE submittal of PAFs.

**D. CONSULTATION WITH NHDHR**

1. NPT shall retain or identify an internal employee who meets or exceeds the professional qualification standards defined in the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-44739, September 19, 1983) and responsibility to work directly with NHDHR on an ongoing basis.
2. NPT shall report no less than monthly to NHDHR and shall meet no less than quarterly, or more often as requested with NHDHR to provide a status report on the work performed under this MOU.
3. The information to be submitted in written monthly reports shall include, at a minimum:
  - i. Current status of Phase I-B work;
  - ii. Number, location and type of historic properties surveyed to date; and
  - iii. Such other information as may reasonably be requested by NHDHR.

**E. ADDITIONAL COMMITMENTS**

In addition to all other commitments set forth herein:

1. NPT shall cooperate with NHDHR and the DOE throughout the Section 106 process and shall comply with all requirements of the Programmatic Agreement and any Presidential Permit issued with respect to the Project.
2. NPT shall cooperate with the SEC and NHDHR throughout the SEC review process and shall comply with all requirements of any Certificate of Site and Facility issued with respect to the Project.
3. Upon full execution of this MOU, NHDHR shall consider the SEC Application complete for NHDHR purposes under Section 106.
4. This Agreement relates to review for completeness only. Nothing in this Agreement shall be construed to limit any right of NHDHR to provide comments or objections to

the substance of any reports provided in the past or future by NPT or DOE as part of the SEC process or the Section 106 process.

**NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES**

By: *Richard A. Boisvert*  
Richard A. Boisvert  
Deputy State Historic preservation Officer

Date: *Dec. 4, 2015*

**NORTHERN PASS TRANSMISSION LLC**

By: *James A. Muntz*  
James A. Muntz  
President

Date: *Dec. 4, 2015*

