



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

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December 2, 2015

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

Re: Additional Information Request Regarding the Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility, NH Site Evaluation Committee. **REVISED FROM NOVEMBER 30, 2015 LETTER, PAGE 2, "Appendices 10 to 30" change to "Appendices 19 to 30"**
Docket No. 2015-06

Dear Ms. Monroe:

In response to your request for additional information regarding the Division of Historical Resource's (DHR) letter of November 12, 2015, I am forwarding these comments about the incomplete nature of the application materials for the above-referenced project:

The DHR discussed appropriate methodologies to identify historic and archaeological resources within the Northern Pass Transmission project area with consultants working for the applicant in 2009 (archaeological consultants) and 2010 (architectural/above-ground consultants). These same methodologies were adopted by the US Department of Energy when it initiated Section 106 consultation with the DHR on the project in 2012. These methodologies have a long history of effective use in New Hampshire, including large complex projects and projects seeking a certificate from the Site Evaluation Committee (SEC).¹

The Northern Pass Transmission Project differs from previous energy projects before the SEC in that two teams of cultural resources consultants are working to identify historic and archaeological resources within the project's area of potential effects (APE), as determined in the Section 106 review. One team is working under the direction of the US Department of Energy (USDOE), in consultation with the DHR; their work products are being prepared for the Section 106 review, as well as for use in the National Environmental Policy Act (NEPA) review. The applicant has also hired cultural resources consultants to assist them in project planning. It is very unusual for a project to utilize two different sets of cultural resources professionals to identify resources, as are their differing methodologies and findings.

¹ For more information, see <http://www.nh.gov/nhdhr/review/> and in particular, <http://www.nh.gov/nhdhr/review/windfarm.htm>, <http://www.nh.gov/nhdhr/review/telecommunications.htm>, <http://www.nh.gov/nhdhr/programs/documents/areaformmanual2015.pdf>, <http://www.nh.gov/nhdhr/programs/survey.htm>, and <http://www.nh.gov/nhdhr/review/archaeology.htm>.

Material submitted in the SEC application was prepared by the applicant's cultural resources consultants. It differs from materials prepared for the Section 106 review process in a number of ways. The DHR also notes that the narrative in the application and testimonies contains some errors of fact and inconsistencies in its description of the Section 106 process.

Archaeology

New Hampshire has an archaeological record that dates back 13,000 years. Archaeological investigations are designed to identify archaeological sites and interpret their significance through research and field investigation. Identification of these resources begins with Phase IA survey, which provides background research and visual assessments within the APE that determine areas of archaeological sensitivity (i.e. likelihood of the presence of sites). Efforts continue with Phase IB, which takes place within the sensitive areas identified in the Phase IA and typically involves systematic testing by excavation and sifting of 50 cm square test pits. Together Phase IA and IB provide the initial "presence/absence" of archaeological sites within the APE.

The evaluation phase, or Phase II testing, occurs on selected sites identified in Phases IA and IB. It is designed to determine whether sites are eligible for listing on the National Register of Historic Places. Sites meeting these criteria are evaluated to determine whether they would be adversely affected by the project and therefore considered for potential avoidance or mitigation of adverse effects.

For the Northern Pass Transmission Project, the applicant's archaeological consultant completed a number of Phase IA surveys for the preferred route, alternate routes, off right-of-way access roads, lay down areas, transition stations, proposed substation construction and upgrades, and transmission lines. There remain approximately 100 areas to visually assess archaeological sensitivity (Phase IA) because access has been denied by landowners. The applicant has not yet committed to conducting these assessments.

Appendices 19 to 30 of the SEC application include the Phase 1A and IB results completed to date. Although Phase IB work for the entire project area has not yet been completed, the applicant's consultant has to date identified and recommended 27 new sites in the Phase IA and IB surveys for Phase II testing if located in impact areas. No Phase II testing has been initiated.

A parallel Phase IA archaeological survey has been conducted on behalf of the US Department of Energy (USDOE) by a second archaeological consulting firm for the preferred route, alternatives and ancillary areas. Using the same New Hampshire standards and guidelines as the applicant's survey, USDOE's consulting firm identified an additional 100 areas of archaeological sensitivity needing Phase IB survey. To date these Phase IB surveys have not been conducted by either consulting firm. The USDOE consulting team also identified an additional 25 historic archaeological sites in the preferred corridor that had not been identified by the applicant's consulting team. These include features such as cellar holes that will require Phase II testing if within the impact areas.

In summary, the DHR found the application materials on archaeological resources submitted by the Northern Pass Transmission Project incomplete because:

- Phase IA surveys have not been conducted on approximately 100 properties where landowners have denied access; the applicant has not committed to conducting this work once access is no longer at issue.
- Phase IB surveys have not yet been conducted on approximately 100 archaeological sensitive areas identified by the USDOE consulting team working on the Section 106 review.

Architecture / Above-Ground

Materials provided in the SEC application on architectural/above-ground resources include the project consultant's preliminary identification of historic properties within the APE (approximately one mile on each side of the proposed transmission corridor), followed by the consultant's assessment of the project's effects of those resources.

The consultant's method of identifying resources within the project area varies from the methodology adopted by DHR and USDOE for the Section 106 review in a number of important ways.² The application notes that little historical research was completed for the project area, for individual properties, or for potential historic districts. Conclusions as to whether a property was considered historic were based on a visual assessment and the consultant's judgment, rather than on an understanding of a property's history and an analysis of its significance within the larger contexts of architectural or historic patterns of development in the community.³

The identification findings are not research-based and were not reviewed by the Section 106 lead federal agency (USDOE) or state historic preservation office (DHR). Nor were resources identified with the input of consulting parties, as required under Section 106.⁴ The application also notes that the Section 106 review will uncover additional historic properties and that the boundaries of historic properties and/or historic districts identified in the application may change when the properties are "fully analyzed" during the Section 106 review. Changes in boundaries could result in the need of additional identification of resources or altered assessments of effect.

The method used to assess whether historical properties were within view of the proposed project in the application also differs from the viewshed mapping prepared for the Section 106 review. For the former, consultants combined the use of Google and CADD tools with field judgments to determine the extent of the project's view. For the Section 106 review, the viewshed analysis was developed based on a five meter Digital Surface Model of the APE using spatial data acquired from Intermap (2012, www.intermap.com). The results differ between the two methods.

² As noted above, the 106 methodology has consistently been used in New Hampshire for identifying above-ground historical resources within large or complex project areas. For the Northern Pass Transmission project, see <http://www.northernpasseis.us/consultations/section106> for more information about the Section 106 review and the identification of above-ground resources within the APE.

³ See *How to Apply the National Register Criteria for Evaluation* for a full discussion of the role of historic context in evaluating whether a property is historically significant, at <http://www.nps.gov/nr/publications/bulletins/nrb15/>.

⁴ More than 50 individuals and groups have requested consulting party status for the Section 106 review.

In assessing potential effects of the project on properties identified as historic, the application materials adopt a format used in another state. This format has not been adopted in the state of New Hampshire, which uses a format that more closely tracks language and considerations given at 36 CFR 800.5, the regulations implementing Section 106 of the National Historic Preservation Act. The Section 106 review of the Northern Pass Transmission Project has not yet determined the project's effects to historical resources. Given that, as well as the methods used to identify resources, the DHR cannot agree with the application's assessment of effects to historical resources.

On a practical note, the differences in methodologies, as well as in specific data and findings presented, make it difficult to compare the results of the application materials with Section 106 products received to date. For example, street addresses sometimes differ, as do some property names and the mapping of visual impacts. However, review of a sample of the project area shows consistent differences in data and findings.

In summary, the DHR found the application materials on architectural / above-ground resources submitted by the Northern Pass Transmission Project incomplete because:

- The study methodology and results are incomplete and inconsistent with the ongoing Section 106 review and with state and federal guidance.

SEC Application Completeness Review

In reviewing application materials for the SEC, the DHR, given its regulatory authority under Section 106, expects applicants to provide a summary of the Section 106 review process as of the date of application, including what historical and archaeological resources have been identified through the 106 process in accordance with state and federal standards and guidance.

For some other energy project applications, a project's Section 106 review has also advanced to the point of determining the project's effects on identified resources, as well as possible avoidance, minimization and mitigation measures. These applications have provided the SEC with a complete evaluation of how a project may impact historical resources. In other cases, those Section 106 determinations of effect and avoidance/minimization/mitigation are made during the time period between the SEC application and the start of the SEC proceeding. In a final set of energy projects, the Section 106 review remains ongoing at the time of the SEC certificate; a condition for the applicant to successfully and cooperatively complete the Section 106 process is part of the certificate.

Under Section 106, when a project's effects on historic properties cannot be fully determined prior to the federal agency's approval of the project, a Programmatic Agreement (PA) may be used to satisfy all Section 106 responsibilities. As appropriate, the lead federal agency, the state historic preservation office, the Advisory Council on Historic Preservation (ACHP)⁵, and the applicant and other consulting parties develop the agreement to resolve the project's potential adverse effects during development,

⁵ ACHP is the independent federal agency charged with administering Section 106, among other duties. ACHP may choose to more closely participate in an individual project's Section 106, given a number of factors. In the case of the proposed Northern Pass project, ACHP has decided to participate in the individual review.

construction and operation. The agreement also becomes part of the project's Record of Decision under NEPA.

This type of Programmatic Agreement has not been utilized for a project coming before the SEC in some time.⁶ With a Section 106 PA in place at the time of application for an energy project, the DHR would also consider the application materials complete.

All parties involved in the Section 106 review of the Northern Pass Transmission Project are now working to draft a PA. The effort is complicated by a number of factors, including the status of resource identification. Typically, PA's are executed once resources have all been identified. This is not yet the case for the Northern Pass project.

To date, the Section 106 process and SEC certification process have worked well together to consider the effects of energy projects on historical properties. Please feel free to contact the DHR if we can further assist the SEC in its review of this application and project.

Sincerely,



Edna Feighner
NH Division of Historic Resources
Review and Compliance Coordinator, Archaeologist

⁶ The Portland Natural Gas Transmission / Maritimes and Northeast Pipeline project, 96-01 and 96-03, may be the most recent example.