



BARRY NEEDLEMAN
Direct Dial: 603.230.4407
Email: barry.needleman@mcclane.com
Admitted in NH, MA and ME
11 South Main Street, Suite 500
Concord, NH 03301
T 603.226.0400
F 603.230.4448

December 4, 2015

Via Hand Delivery and E-mail

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

Re: NH Site Evaluation Committee Docket No. 2015-06: Joint Application of Northern Pass Transmission LLC (“NPT”) and Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) for a Certificate of Site and Facility for Construction of a New 1090 MW Transmission Line

Dear Ms. Monroe:

Enclosed please find copies of additional documents that were requested of Northern Pass, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy by counsel to the Site Evaluation Committee and separately by the Division of Historical Resources. The Joint Applicants are providing this material to you principally in 14 flash drives for the Subcommittee’s purposes. We are sending a separate copy of this letter and a flash drive separately to each of the Public Members and to Counsel for the Public. In addition, we are providing hard copy of two confidential archeological reports, as listed below.

The material included on the flash drives include the following:

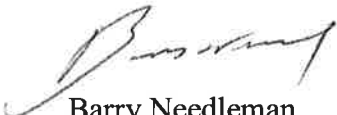
1. Letter to Michael Iacopino, Esquire from Tom Getz dated December 4, 2015 with referenced attachments;
2. A Memorandum of Understanding (MOU) between the NH Division of Historical Resources (DHR) and Northern Pass LLC that addresses the issues raised by DHR in its letter to Pamela Monroe dated November 12, 2015 and November 30, 2015. Section E.3 of the MOU provides that “[U]pon full execution of this MOU, NHDHR shall consider the SEC Application complete for NHDHR purposes under Section 106.”; and
3. The four Project Area Forms submitted to DHR in April 2015 by SEARCH, the consultant preparing these materials for the U.S. Department of Energy in the National Historic Preservation Act Section 106 review process, along with DHR’s four sets of comments on those PAFs, and two sets of *errata* sheets from SEARCH.

NPT – Documents
December 4, 2015
Page 2

We also enclose a hard copy of the Phase I-A Archeological Survey reports prepared by SEARCH for the original proposed Northern Pass Project route in 2014 and for the alternative routes in 2015. Please note that the archeological reports are confidential pursuant to RSA 227-C:11 and Section 304 of the National Historic Preservation Act. We request that the Subcommittee treat them as such in accordance with the Joint Applicants' October 19, 2015 Unassented-to Motion for Protective Order and Confidential Treatment.

These cultural resource materials are being submitted in accordance with Section A.3 of the MOU with DHR.

Very truly yours,



Barry Needleman

cc: Service List (via e-mail)

December 4, 2015

THOMAS B. GETZ
T 603.695.8542
F 603.669.8547
TGETZ@DEVINEMILLIMET.COM

Mr. Michael Iacopino, Esq.
Counsel to New Hampshire Site Evaluation Committee
Brennan Lenehan Iacopino & Hickey
85 Brook Street
Manchester, NH 03104

**Re: SEC Docket No. 2015-06
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 (“Joint Application”)
Clarification of Filing Issues**

Dear Mr. Iacopino:

As a follow up to our discussion of certain issues identified in your initial review of the Joint Application, we provide the following clarifications. The information discussed below is included in the thumb drive accompanying this letter.

**1. Site 301.03 (b) (6) Legal or Business Relationship to Site or Facility
Further information regarding leasehold interests in area of new right-of-way**

With respect to the November 20, 2015 letter addressing the Department of Environmental Services’ questions on property ownership along the route, you asked about attachments to the *Option to Lease* and the *Option for Partial Assignment and Assumption of Lease Agreement* between Renewable Properties, Inc. and Northern Pass LLC, with a focus on the list of properties covered by those agreements. We have included copies of those two option agreements, along with the exhibits listing the properties covered by the agreements. For ease of reference, we also provide a copy of the *Notice of Lease* between Bayroot LLC and Renewable Properties, Inc. submitted with the November 20, 2015 letter.

2. Site 301.03 (b) (7) and (h) (6) Statement of Assets and Liabilities

The Joint Application states that NPT does not have a statement of assets and liabilities, which is a correct statement. Included in the thumb drive for your convenience, however, are certain internal general ledger documents that comprise NPT financials, which are part of the Eversource financial statements.

**3. Site 301.03 (c) (3), (4) and (5) Site Information
Site 301.03 (g) (8) Type of Construction
Site 301.03 (h) (1) Description of Major Parts
AC System Upgrades**

There are ten structures currently supporting Eversource Energy's 345 kV transmission lines between the Deerfield and Scobie Pond Substations that will need to be either upgraded or replaced in order to maintain appropriate ground clearances for an increased power delivery rating, consistent with ISO-NE requirements. The Applicants are providing 9 additional Project Map sheets displaying the relevant Site Information, consistent with those supplied in Appendix 1. The ten existing structures consist of wooden H-frame structures and they will either be modified in height utilizing phase raisers or be replaced with tubular steel H-frame structures consistent with other 345 kV structures proposed on this project.

4. Appendix 1, Project Maps

The enclosed thumb drive includes an electronic copy of the Proposed Structure Designs, Plan and Profile Drawings, and Transition Station Plans that were inadvertently omitted from Volume 4, Appendix 1 of the electronic version of the Joint Application. The hard-copies of the application that were previously hand-delivered to the Committee already contain a hard-copy of these designs and drawings. We are also providing electronic copies of these designs and drawings to the Committee, Counsel for the Public, and the Towns. In addition, the thumb drives include the AC System Upgrade information discussed in the previous item.

5. Appendix 4, Section 401 Water Quality Certification

Appendix H, the draft of the Stormwater Pollution Prevention Plan (SWPPP), makes reference to sub-appendices A-F. These appendices will be completed later in the process in consultation with contractors selected for the purpose.

6. Appendix 6, Alteration of Terrain Permit

Mr. Michael Iacopino, Esq.
December 4, 2015
Page 3

The Table of Contents makes a reference to Appendix J-3 for the underground alignment drawings. That reference is in error; there is no such Appendix. The underground alignment drawings can be found in Volume X, Appendix 9, which is the New Hampshire Department of Transportation Petition for Aerial Road Crossings, Railroad Crossings, and Underground Installations in State-Maintained Public Highways (11 x 17 inch drawings).

Appendix O, the draft of the SWPPP, makes reference to sub-appendices A-F. As explained above, these appendices will be completed later in the process in consultation with contractors selected for the purpose.

7. Appendix 9, Petition to DOT for Road Crossings

Also on the thumb drive, please find page 296, which is blank on the electronic version of the Joint Application. This is page 4 of 5 of the Excavation Permit for District 1.

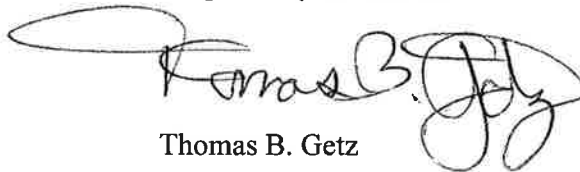
8. Appendix 36, Wildlife Report and Impact Assessment

Appendix A, to Appendix 36, a December 7, 2010 email to New Hampshire Fish and Game, was omitted. A copy of the email has been saved to the enclosed thumb drive.

Appendix D, to the Northern Long-eared Bat Survey (Appendix D within Appendix 36), did not include photos of detector set ups and habitat surrounding the survey locations. These photos were submitted to USFWS under separate cover. This information is now included in the accompanying thumb drive.

Please let me know if this information satisfactorily addresses the various issues.

Respectfully submitted,



Thomas B. Getz

TBG/mam
Enclosure

**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.

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