



**National Trust for  
Historic Preservation**  
*Save the past. Enrich the future.*



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2015-06  
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April 1, 2016

NHPUC APR07'16 AM10:53

VIA EMAIL

Pamela G. Monroe, Administrator  
New Hampshire Site Evaluation Committee  
21 South Fruit Street, Suite  
Concord, NH 03301-2429

**Re: 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 (SEC Docket No. 2015-6)**

Dear Ms. Monroe:

Enclosed please find for filing the "Objection of the National Trust for Historic Preservation, the New Hampshire Preservation Alliance, Sugar Hill Historical Museum, and the North County Scenic Byways Council to Applicant's Request for Partial Waivers Under the Newly Adopted SEC Rules."

Additionally, the National Trust for Historic Preservation, the New Hampshire Preservation Alliance, Sugar Hill Historical Museum, and the North County Scenic Byways Council support the case schedule provided by Public Counsel, or alternatively the schedule provided by the Society for the Protection of New Hampshire Forests. Given the complexities of this project, it is not in the interests of justice, nor is it reasonable, to adopt the schedule proposed by the project applicant. Additionally, the aforementioned groups believe that it is necessary and appropriate to maintain a flexible approach to scheduling in this matter, which may include periodic reviews of the case schedule to ensure full participation of the parties, as well as efficient case management.

Copies of this letter and the aforementioned Objection have on this date been forwarded via email to all parties on the distribution list for this matter. If you have any questions or concerns, please forward them to us.

Sincerely,

Sharee Williamson  
Assoc. General Counsel  
National Trust for Historic Preservation

Jennifer Goodman  
Executive Director  
New Hampshire Preservation Alliance

cc: Distribution List

THE STATE OF NEW HAMPSHIRE  
before the  
SITE EVALUATION COMMITTEE

Docket No. 2015-6

NHPUC APR07'16 AM10:54

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

**OBJECTION OF THE NATIONAL TRUST FOR HISTORIC  
PRESERVATION, NEW HAMPSHIRE PRESERVATION ALLIANCE, SUGAR  
HILL HISTORICAL MUSEUM, AND THE NORTH COUNTY SCENIC  
BYWAYS COUNCIL TO APPLICANTS' REQUEST FOR PARTIAL WAIVERS  
UNDER THE NEWLY ADOPTED SEC RULES**

NOW COME the New Hampshire Preservation Alliance (Alliance), the National Trust for Historic Preservation (National Trust), the Sugar Hill Historical Museum (Sugar Hill Museum), and the North County Scenic Byways Council (Scenic Byways Council) (collectively referred to herein as the Preservation Intervenors) and respectfully object to the Applicants' Request for Partial Waivers Under the Newly Adopted SEC Rules (Waiver Request). In support of this Objection, the Preservation Intervenors state the following:

1. On March 7, 2016, the Public Counsel filed an objection with the Site Evaluation Committee (SEC) entitled "Objection of Public Counsel to Joint Applicants' Request for Partial Waivers under the Newly Adopted SEC Rules" (Public Counsel's Objection).
2. The Preservation Intervenors join and incorporate by reference the Public Counsel's Objection and the arguments contained therein.
3. Further, the Preservation Intervenors make the following additional objections to the Applicant's Waiver Request:

A. The National Trust and the Alliance are participating as consulting parties in the Section 106 permit review process under the National Historic Preservation Act. In that review process, there is currently a draft Programmatic Agreement that has been circulated by the Department of Energy, which proposes to establish a one-mile area on each side of the transmission corridor as the Area of Potential Effect (APE) for identifying historic properties that could be adversely affected by the proposed project.

B. The Applicant's Waiver Request suggests that all of the study within the APE has been completed and that the boundaries of the APE are fixed. In fact, the APE boundaries have not yet been finalized, and many consulting parties, including the National Trust, have specifically objected to the arbitrary one-mile APE boundary. The National Trust and the Alliance have advocated instead for an approach to ensure that the APE includes all areas where the proposed transmission line and its infrastructure would be visible – which would require consideration of landscapes, tree cover, and topography – rather than focusing on an arbitrarily narrow one-mile corridor.

C. There is a reasonable likelihood that above-ground historic resources outside of the one-mile APE located on abutting property would also suffer unreasonable adverse effects due to visual impacts caused by the construction of this proposed project. For example, any historic resources located at high elevation or in areas with limited tree cover that are outside the one-mile APE, including cultural landscape resources, may suffer adverse effects. These historic resources will be identified if the Applicant is required to follow the SEC's new rules, and these resources are entitled to the protection accorded to them under the new rules.

D. The Applicant's Waiver Request acknowledges that the identification of above-ground historic resources has thus far been limited to those resources located within the one-mile APE. The Applicant asserts, without any support, that "extending the analysis beyond the APE set by the Department of Historic Resources would be onerous and inapplicable for this Project." The reason why following the SEC's new rules would supposedly be "onerous and inapplicable" for this project is never explained in the Waiver Request.

E. Additionally, the Applicant's Waiver Request insinuates that all historic property identification within the Department of Energy's one-mile APE has been completed and thus should be used to substitute for the SEC's requirements. This is not correct. Inventory and evaluation of historic landscapes, traditional cultural properties, and rural historic districts has not been completed and is not included in the materials provided by the Applicant to the SEC. While the National Trust, the Alliance and other consulting parties have objected to this approach, it is possible that the Section 106 consultation will result in an agreement to delay the identification of these resources until after the federal permit is issued, as long as this identification and evaluation work is completed prior to construction. Certainly there is no legal support or justification for failing to identify landscape-level resources for consideration under the SEC process. In fact, it will be impossible for the SEC to determine whether there will be unreasonable adverse effects to historic resources if the Applicant is not required to fully identify potentially impacted landscape scale resources for the SEC to consider during this proceeding.

**REQUEST FOR RELIEF**

WHEREFORE, the Preservation Intervenors respectfully request that the Applicant's Waiver Request be denied and that such further relief as the SEC deems appropriate be granted.

Respectfully Submitted,



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Date: April 1, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date written below, I caused the attached Reply to be served via electronic mail or first class mail to the parties named in the Distribution List of this Docket.



Sharee Williamson, Esq.

Date: April 1, 2016