

May 13, 2016

By E-Mail & U.S. Mail

Pamela G. Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
pamela.monroe@sec.nh.gov

Re: 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

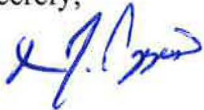
Dear Ms. Monroe:

Enclosed for filing in the above-captioned proceeding is Counsel for the Public's Motion for Leave to Retain Heritage Landscapes LLC and for an Order Directing the Applicants to Bear the Costs Thereof.

Copies of the enclosure have been forwarded via e-mail to all parties on the enclosed Distribution List.

Thank you.

Sincerely,



Thomas J. Pappas

TJP/slb - 2398631_1

Enclosure

cc: Peter C.L. Roth, Esq.
Elijah J. Emerson, Esq.
Distribution List via e-mail

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

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

**COUNSEL FOR THE PUBLIC’S MOTION FOR LEAVE TO RETAIN
HERITAGE LANDSCAPES LLC AND FOR AN ORDER DIRECTING
THE APPLICANTS TO BEAR THE COSTS THEREOF**

Counsel for the Public, by his attorneys, the Office of the Attorney General and Primmer Piper Eggleston and Cramer PC, hereby moves, pursuant to RSA 162-H:10, V, for leave to retain an expert consultant and for an order directing Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (the “Applicants”) to bear the costs and fees of the consultant and reimburse Counsel for the Public or pay the fees and costs directly to Heritage Landscapes LLC (“Heritage” or the “Consultant”), in an amount up to \$148,500. In support hereof, Counsel for the Public respectfully represents as follows:

A. BACKGROUND.

On October 19, 2015, Applicants submitted a Joint Application for a Certificate of Site and Facility (the “Application”) to the New Hampshire Site Evaluation Committee (the “Committee” or “SEC”) to construct a 192-mile transmission line to run through New Hampshire from the Canadian border in Pittsburg to Deerfield (the “Project”). The Application with its appendices contains more than 27,000 pages including numerous expert reports and studies.

On November 2, 2015, the Chairman of the Committee appointed a Subcommittee (the “Subcommittee”) to consider the Application. The Subcommittee accepted the Application on

December 18, 2015. The Applicants provided additional information for the Application on February 26, 2016, pursuant to the revised SEC Rules effective December 16, 2015.

B. LEGAL STANDARD.

Pursuant to RSA 162-H:9, I, Counsel for the Public “shall represent the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy. The counsel shall be accorded all the rights and privileges, and responsibilities of an attorney representing a party in formal action and shall serve until the decision to issue or deny a certificate is final.” Moreover, RSA 162-H:10, V, authorizes Counsel for the Public to “conduct such reasonable studies and investigations as [he] deems necessary or appropriate to carry out the purposes of this chapter ... “ Counsel for the Public “may employ a consultant or consultants ... in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee.” *Id.* Counsel for the Public’s broad role includes conducting studies and investigations necessary and appropriate to carry out the purposes of the statute. Order on Pending Motions, *In re Request of SEA-3, Inc. for Exemption*, dated August 10, 2015, at 9. Those issues “go beyond protection of the environment and assuring an adequate supply of energy” and include any matters identified in RSA 162-H:1. *Id.*

C. ARGUMENT.

Counsel for the Public wishes to retain Heritage to provide expert analysis and opinion concerning the Project’s impacts to historic and cultural resources. The Consultant’s resume is attached as Exhibit A and the details of services that will be provided are set forth in the attached Exhibit B. The rates the Consultant will charge are also set forth in Exhibit B. The total cost of the work is estimated at approximately \$148,500.

Upon careful consideration of the Application, Counsel for the Public has deemed that the retention of the Consultant's services to analyze the Project's impacts to historic and cultural resources is necessary to carry out the purpose of the siting statute and to evaluate if the Project will assure an adequate supply of energy without unreasonably and adversely affecting the quality of the environment. As stated in RSA 162-H, the purpose of the siting statute is to find "a balance among those potential significant impacts and benefits" of the Project. RSA 162-H:1. Retention of the Consultant is necessary because it will provide Counsel for the Public and the Committee with an unbiased, independent, and thorough analysis of those impacts in making their determination of how the Project may impact or benefit the welfare of the population, private property, industry and general economic growth, and whether the Project is in the public interest.

One of the pillars of New Hampshire's character is its history and culture. This is reflected in both its designated historic sites and the investments that New Hampshire citizens have made to conserve these resources. These investments are not just public, but also involve private efforts and funds used to preserve everything from individual structures to vast tracts of land. Any evaluation of this Project's impacts must contain a detailed inventory of these locations, including the very landscapes that make up the context of everything within New Hampshire. The Consultant has been chosen because it possesses the expertise to both evaluate historic sites and districts, and also to identify, value and analyze the impacts to historic and cultural landscapes.

Moreover, the Applicants' analysis of historic and cultural resources is narrow and lacks detail. Their historic resources capture is limited in general to historic buildings on individual properties that are listed on or potentially eligible for the National Register of Historic Places.

Cultural landscapes, linear corridors, trails, conserved lands and other cultural resources are briefly mentioned and then are either designated as unimportant, determined to be without potential impact or are entirely disregarded in the reporting. These shortcomings leave the Applicants' analysis insufficient to make sound findings on the Project's effect on historic and cultural resources.

As the Project is a merchant transmission facility, the main benefits to New Hampshire are all indirect; the physical impacts, however, are directly felt by New Hampshire and its residents. In order to determine whether the Project should be issued a Certificate of Site and Facility, it is Counsel for the Public's and the Committee's responsibility to evaluate how these impacts fit into the overall "public interest" of the Project. The retention of the Consultant is necessary to achieve that goal. In addition, among the purposes of RSA 162-H:1 is the acknowledgement that "the selection of sites for energy facilities may have significant impacts on and benefits to ... the welfare of the population, private property, the location and growth of industry [and] the overall economic growth of the state" Finally, the Subcommittee is tasked with determining whether the Project will have an unreasonable adverse impact on historic sites. RSA 162-H:16, IV(c). The retention of the Consultant is necessary to evaluate whether the Project would be consistent with those objectives.

The Consultant will first review the relevant Application material and Section 106 documents to study the identified conserved and protected land along the proposed Northern Pass corridor and the designated key observation points. The Consultant also will participate in host community meetings and confer with historical and cultural experts to gather further information and identify additional historic resources and cultural landscapes. The Consultant then will field-verify resources and landscapes and the potential impacts posed to them by the

Project. The Consultant will prepare a report and prefiled testimony discussing any impact to historic resources and cultural landscapes, including any resources or landscapes missing from the Application. The Consultant also will participate in technical sessions and be available for cross examination at the adjudicative hearing.

Counsel for the Public researched, investigated and interviewed potential experts prior to selecting the Consultant. The Consultant possesses the appropriate balance between (a) experience and relevant expertise, and (b) cost-effectiveness. Moreover, Counsel for the Public has worked with Consultant to refine its scope of work to make sure it is focused to achieve prudent advice at a reasonable cost.

Counsel for the Public will forward Consultant's invoices to the Applicants' counsel for payment by the Applicants. Counsel for the Public also will forward to Applicants' counsel a forecast of estimated future costs so that Applicants can budget for them.

WHEREFORE, Counsel for the Public prays that the Committee enter an order authorizing the employment of Heritage Landscapes LLC as consultant pursuant to RSA 162-H:10, V, and directing the Applicants to bear the costs, as incurred monthly, up to a total of \$148,500, and grant such other relief as may be just.

The Applicants' Position:

The Applicants assent to the relief sought in the motion, but not to any characterizations in the motion about the case or the Application.

The Following Parties Concur in this Motion:

The City of Concord
The City of New Hampton
The Town of Bridgewater
The Town of Woodstock
The Town of Littleton

The Town of Deerfield
The Ashland Water District
The Town of Bristol
The Town of Easton
The Town of Franconia
The Town of Northumberland
The Town of Sugar Hill
The Town of Whitefield
The Society for the Protection of NH's Forests
The Conservation Law Foundation
The Deerfield Abutter's Group
Susan E. Percy
Mark and Susan Orzeck
Virginia Jeffryes
Jon and Lori Levesque
David Schrier
Rodrigue and Tommy Beland
Eric, Elaine and Joshua Olson
Rodney Moore, et al
Cheryl Jenson, Co-Chair, Bethlehem Conservation Commission
Mary Lee
Taras Kucman
Maureen Quinn
Brad and Daryl Thompson

The Following Parties Object to this Motion:

No party has indicated their objection to the motion.

The Following Parties Take No Position on this Motion:

The City of Berlin

Respectfully submitted,

COUNSEL FOR THE PUBLIC,

By his attorneys,



Dated: May 13, 2016

By: Peter C.L. Roth, Senior Assistant Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3679

PRIMMER PIPER EGGLESTON & CRAMER PC,



Dated: May 13, 2016

By: Thomas J. Pappas, Esq. (N.H. Bar No. 4111)
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-and-

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION FOR LEAVE TO RETAIN HERITAGE LANDSCAPES LLC AND FOR AN ORDER DIRECTING THE JOINT APPLICANTS TO BEAR THE COSTS THEREOF has this day been forwarded via e-mail or mail to persons named on the Distribution List of this docket.

Dated: May 13, 2016



Thomas J. Pappas, Esq. (N.H. Bar No. 4111)

Exhibit A

Heritage Landscapes

Northern Pass Short Bios

Principal and Cultural Landscape Expert: Patricia M. O'Donnell, landscape architect and planner, will serve as the leader Heritage Landscapes work. She brings 33 years of experience, and over 500 successfully completed projects in the field of historic preservation, focusing on cultural landscapes, as well as addressing all types of above-ground heritage assets and archaeological sensitivity. For the Northern Pass effort O'Donnell will refine the project methodology as the work proceeds, will oversee and contribute to the efforts of her talented staff to carry out each of the tasks of the scope and will provide quality control and assurance as the deliverables are developed.

Cultural Landscape Expert: Gregory De Vries, ASLA, ICOMOS, Associate, has ten years' experience having contributed to some 200 projects at Heritage Landscapes. His recognized expertise in cultural landscapes comes from a rich training platform, including cultural and ecological systems, anthropology and languages coupled with project, and a depth of professional and volunteer experience with historically and culturally significant communities, places and individual properties at the national and international level. For the Northern Pass historic resources and cultural landscapes efforts De Vries will collaborate on document review, identification, analysis of findings, and assessment of impacts.

Project Manager: Megan N. Turner holds a Master of Landscape Architecture from the University of Georgia. Her contributions to recent Heritage Landscapes projects include research, document spreadsheet organization, writing and assembly of reporting for the landscapes of Bloedel Reserve, Bainbridge Island WA, the US Embassy Paraguay, US Ambassador's Residence Buenos Aires. Turner is well-organized and detail oriented. She will manage the day to day communication, schedule and logistics of the Northern Pass project, as well as contributing to project deliverables. She is also skilled in GIS applications and will work with Helmkamp to prepare the historic resources and cultural landscapes mapping.

Technical Staff: Thomas P. Helmkamp is a technical team member at Heritage Landscapes focusing on drawing production for planning and construction projects. Holding a Bachelor of Science in Landscape Architecture, Helmkamp has been a valued member of our team since 2002. Helmkamp has assisted with recent projects such as the US Embassy Paraguay Landscape Cultural Significance Study; Library of Congress Cultural Landscape Report; and rehabilitation of the National Mall. Providing technical skills for preservation planning for the Northern Pass project Helmkamp will develop mapping to conform to the documentation gathered in the early stages of the work.

Exhibit B

Northern Pass New Hampshire

Heritage Landscapes Scope of Work

1 May 2016

Introduction Historic Resources and Cultural Landscapes

The Northern Pass proposed energy transmission corridor passes through 192 miles of New Hampshire landscapes and 29 New Hampshire towns. The applicant, Northern Pass Transmission LLC (NPT), has prepared documentation for the listed and potential historic properties, districts and linear clusters within this corridor, which require expert review to assess the completeness of the reporting as well as the determination of projected project impact. While the visual assessment for the SEC and the DOE components of the property have identified scenic and aesthetic resources, the specific identification of cultural landscapes is missing from the project capture to date.

This scope of work is focused on two primary tasks: 1. the review of historic resources captured and assessment of impacts determined by NPT; and 2. the identification of cultural landscapes and an assessment of the potential Northern Pass impacts on these identified cultural landscapes. In carrying out these tasks, Heritage Landscapes will collaborate with Counsel for the Public and his legal team, New Hampshire history experts, and the Scenic and Aesthetic consultants to perform the following tasks in a timely manner.

Scope of Work by Tasks

A Review SEC materials from Northern Pass Transmission NPT LLC and DOE Section 106 Documents for the Proposed Route

In this task, Heritage Landscapes will study the NPT filing materials regarding identified historic properties and historic cultural landscapes within the Northern Pass corridor and the DOE Section 106 materials for the proposed corridor. Reading of the reports based on resource types will be carried out to determine the capture of cultural landscapes within the reports of visual analysis, visual impact analysis and the designated Key Observations Points (KOPs). Study in detail the above ground resources and review other documents for context.

As this review is carried out, the organizing structure will be the 29 towns/cities/unincorporated areas (towns) arrayed along the proposed project corridor using the three segments of north, central and south. The mapping of the KOPS will be reviewed in relation to the identified historic, scenic and aesthetic resources. Relevant text and images of these documents will be excerpted and organized by source and citation in a data organization project spreadsheet that will track useful information by township.

Task A Deliverables: Project spreadsheet with relevant documents excerpts and citations. Narrative on methodology and overview of findings.

B Define discovery questions relevant to Historic Resources and Cultural Landscapes

As Task A proceeds, employ findings to date to develop discovery topics, issues and questions. Work with the client group to focus questions appropriately for the Discovery process.

Task B Deliverables: Draft and final discovery questions.

C Assemble and Study Conserved and Protected Lands Data and Mapping

In parallel with tasks A and B assemble a body of information on conserved and protected lands along the proposed Northern Pass corridor. Working at the 29 town scale and using north, central and south sections pursue this data gathering sequentially adding documentation to both spreadsheet and mapping. The objective of this task is to capture as complete a database as possible of the conserved and protected lands that express cultural values through that legal designation. The cultural landscapes enumerated in this process may include farms, forest, corridors, districts, graveyards, cemeteries, community forests and more. The designated KOPS will appear on this mapping as a layer and additional proposed KOPs may also be located based on the findings.

Task C Deliverables: Assembled preliminary cultural landscape mapping and spreadsheet by the 29 towns within divisions of north, central and south sections. Meeting with team to discuss findings.

D Carry out expert Historic Resources and Cultural Landscape impact assessment for the Northern Pass Corridor

Informed by the above background process field verify cultural landscapes of the proposed project corridor and the potential impacts posed to them by the project. Field research would be phased for assessment by towns within each of the three sections, north, central and south. Proposed cultural landscapes to assess include intentionally conserved and possibly adjacent areas, linear cultural landscapes and cultural routes, and previously identified historic properties, groups or districts with cultural landscape potential. Subtasks of field verification, identification and assessment include:

Task D Deliverables: Thorough listing, mapping and charts of historic resources and cultural landscapes along the proposed project corridor, assessment and field mapping of potentially impacted and potentially significantly adversely impacted cultural landscapes.

E Participate in Community Meetings with Client and Other Experts

Preparations for and participation at five or six participatory meetings are included in this task. These will be held along the proposed project corridor. At each meeting we will solicit input about local historic resources and cultural landscapes. Public input will be incorporated into the subsequent report.

Task E Deliverables: Meeting packets, meeting summaries and outcomes, and report section describing contributions.

F Prepare Report Addressing potential Northern Pass Project impacts on Historic Resources and Cultural Landscapes

In this task, the draft report of impacts to cultural landscapes will be produced and reviewed by the client group. We will begin by developing an outline of contents for reporting based on tasks A through E. Applying client group comments the outline will be refined and sample sections of illustrated report will be reviewed by the client group and NH history and culture experts. The report will include a summary gap analysis to identify historic resources and cultural landscapes missing from the SEC and DOE reporting to date.

Task F Deliverables: Report of potential impacts of project on cultural landscapes.

G Assist in Drafting Pre-filed Testimony, Briefs and Provide Testimony

Heritage Landscapes will assist with pre-filed testimony, briefs and give testimony at technical and evidentiary hearings as directed by the client group.

Task G Deliverables: Carrying out of the above tasks, preparation for and testimony given at relevant hearings.

**Northern Pass Transmission LLC and Public Service Company of New Hampshire dba
Eversource Energy
SEC 2015-06
Distribution List**

Subcommittee Members

Chairman, Public Utilities Commission Martin Honigberg, Chairman 21 South Fruit St., Suite 10 Concord, NH 03301 Martin.honigberg@puc.nh.gov	Dept of Environmental Services Craig Wright, Director, Designee 29 Hazen Dr., P.O. Box 95 Concord, NH 03302-0095 Craig.Wright@des.nh.gov
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Commissioner, Department of Transportation William Oldenburg, Designee Assistant Director of Project Development 7 Hazen Dr. Concord, NH 03302-0483 woldenburg@dot.state.nh.us	Public Member Patricia Weathersby Weathersby Law PLLC P.O. Box 685 Rye, NH 03870 weathersbylawpllc@gmail.com
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Eversource Energy
SEC 2015-06
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Interested Persons

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