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April 26, 2017

**VIA ELECTRONIC MAIL & HAND-DELIVERY**

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 and Public Service Company  
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of  
Site and Facility – Supplemental Testimony Track 2 – Cherilyn Widell**

Dear Ms. Monroe:

The Applicants inadvertently did not include Attachments 1 and 2 to Ms. Cherilyn Widell's supplemental pre-filed testimony, dated and filed with the Committee on April 17, 2017. To remedy the situation, I resubmit Ms. Widell's supplemental testimony with Attachments 1 and 2. Other than including the omitted attachments, Ms. Widell's testimony has not changed. The Applicants respectfully request that the Committee and other parties use this version of Ms. Widell's supplemental testimony during the final hearings, which is identified as Applicants' Exhibit 95.

The Applicants will also make the corrected supplemental testimony and attachments available on the NPT ShareFile Site and we will hand deliver two paper copies to the Committee.

Please contact me directly should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Adam Dumville".

Adam M. Dumville

AMD:

Enclosures

cc: SEC Distribution List

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**THE STATE OF NEW HAMPSHIRE**  
**BEFORE THE**  
**NEW HAMPSHIRE SITE EVALUATION COMMITTEE**  
**DOCKET NO. 2015-06**

**SUPPLEMENTAL PRE-FILED DIRECT TESTIMONY OF**  
**CHERILYN E. WIDELL**

**IN SUPPORT OF THE**  
**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 TO CONSTRUCT A NEW**  
**HIGH VOLTAGE TRANSMISSION LINE AND RELATED FACILITIES IN**  
**NEW HAMPSHIRE**

**April 17, 2017**

1           **Q.     Please state your name and business address.**

2           A.     My name is Cheryl E. Widell. My consulting business is Widell Preservation  
3 Services LLC. It is located at 105 North Water Street, Chestertown, Maryland 21620.

4           **Q.     What is the purpose of your supplemental testimony?**

5           A.     The purpose of this supplemental testimony is twofold. The first is to update the  
6 New Hampshire Site Evaluation Committee ("NHSEC") on the additional work that the  
7 Applicants have performed to identify aboveground historic resources and assess the potential  
8 effects that the Northern Pass Transmission Project ("Northern Pass" or the "Project") may have  
9 on those resources, and on the status of the review of that work by the New Hampshire Division  
10 of Historical Resources ("NHDHR") and the US Department of Energy ("USDOE"). The second  
11 purpose is to respond to certain issues raised in testimony of Counsel for the Public and  
12 intervenor witnesses.

13           **Q.     Has your overall assessment of the impact of the Project on aboveground**  
14 **historic sites changed?**

15           A.     No. My overall assessment remains as I stated in my original testimony. While  
16 there will be some adverse effects from the Project, the small number, low magnitude and  
17 geographically-dispersed nature of these effects are such that the Project will not have an  
18 unreasonable adverse effect on historic sites.

19                                   **Supplemental Information**

20           **Q.     Would you please start by summarizing how the historic resources**  
21 **assessment that you did as part of the original NHSEC application relates to the National**  
22 **Historic Preservation Act's Section 106 process?**

23           A.     Yes. It seems that the interrelationship between the two processes is frequently  
24 confused, and I'm happy to provide this explanation. At the outset, included with the Northern  
25 Pass NHSEC application ("Application") filed in October 2015 was a complete identification,  
26 evaluation and assessment of historic sites that satisfies the NHSEC's application requirements  
27 (the Project Historic Resources Assessment Report or "Assessment Report"). As set forth in the  
28 Assessment Report, at that time the Project had considered 1284 separate properties or districts  
29 that were considered as potentially eligible historic resources and that might be affected by the  
30 Project. Of that total, we determined that 194 of the resources had a sufficient visual relationship  
31 with the Project to merit further assessment of their historic character and potential effects of the

1 Project. Accordingly, we completed, and included in the Assessment Report, detailed Historic  
2 Resource Assessment forms for those 194 resources.

3 At the time the Application was filed, the USDOE, through its separate historic resources  
4 contractor, was performing work to advance the Section 106 ("Section 106") process, and the  
5 Project was participating, and continues to participate, in that process. As is almost always the  
6 case, as I understand it, the Section 106 process is completed after the NHSEC proceeding has  
7 ended. While Northern Pass had completed, in my opinion, a Section 106 (and NHSEC)  
8 compliant evaluation of historic resources, as a consequence of this lag, the Project assessment  
9 had not gone through the full Section 106 review process.

10 Much has been done to advance the Section 106 process since the Application was filed.  
11 Most notably, USDOE has authorized Northern Pass to conduct the identification and evaluation  
12 of aboveground historic resources in the ongoing work under Section 106 and under the direction  
13 of USDOE and NHDHR. The result is that additional resources have been identified that may be  
14 potentially affected by the Project, and additional assessments have been performed. I provide a  
15 description of the substantial work that has been done in the assessment of historic sites in my  
16 answers below.

17 **Q. Have the Applicants conducted additional identification and evaluation of**  
18 **aboveground historic sites under Section 106 since the submission of your Pre-Filed Direct**  
19 **Testimony on October 16, 2015? Please explain.**

20 A. Yes. The ongoing Section 106 work being done as required by federal law has  
21 complemented our understanding of historic resources in the Project area, and has reinforced my  
22 opinion that the Project will not have an unreasonable adverse effect on historic sites. The  
23 Project has completed almost all of the "inventory forms" required by NHDHR. The purpose of  
24 these forms is to assist NHDHR in determining whether the resource in question is eligible for  
25 listing on the National Register of Historic Places ("National Register"). The list of resources for  
26 which NHDHR and USDOE required inventory forms is on the Applicants' Track 2 Exhibit List.  
27 This list is not identical to the list that we included in the Assessment Report, but virtually all of  
28 the resources assessed in these NHDHR inventory forms had already been identified in the  
29 Assessment Report. Some new properties have been added by USDOE and NHDHR, the largest  
30 number of which are those located along the underground sections of the Project route, and

1 others have been reorganized into historic districts or as individual properties instead of historic  
2 districts.

3 NHDHR nearly has completed its review of these inventory forms for its determination  
4 of eligibility on those resources. The Project's assessment of cultural landscapes also has  
5 continued to progress well. The completion of the inventory of these aboveground resources will  
6 mark the end of the identification and determination of eligibility phase of the Section 106  
7 process. NHDHR's and USDOE's determination of National Register eligibility for these  
8 properties provides the basis for the agencies' decision on which eligible properties must be  
9 reviewed for potential effect.

10 The Northern Pass cultural resource professionals also have reviewed all resources  
11 having the potential to be visually affected by the Project, and we have done an assessment of  
12 effect on those resources. We have completed many NHDHR effects tables for those resources,  
13 and we are prepared to begin submitting those effects tables to NHDHR.

14 **Q. Please describe the Project's ongoing consultations with NHDHR and**  
15 **USDOE.**

16 A. In addition to completing the survey forms and cultural landscape studies  
17 described above, the Project continues to participate extensively as a project proponent and  
18 consulting party in the Section 106 process and with NHDHR. Also, pursuant to the terms of the  
19 MOU between Northern Pass and NHDHR (App. Ex. 38), the Project provides a monthly report  
20 with updates on the status of our cultural resource evaluation work. Northern Pass' cultural  
21 resources manager regularly communicates with NHDHR through numerous phone calls, e-mails  
22 and letters. The monthly reports are included in the updated Appendix 49 (NHDHR  
23 Correspondence) that is on the Applicants' Track 2 Exhibit List. The Project also has met  
24 quarterly with NHDHR, per the terms of the MOU.

25 Copies of communications between the Applicants and NHDHR and USDOE have been  
26 updated and are included in the updated Appendix 49 on the Applicants' Track 2 Exhibit List.

27 **Response to Testimony from Witnesses for Intervenors and Counsel for the Public**

28 **Q. Have you reviewed the testimony about the Project's potential effects on**  
29 **aboveground historic sites from intervenors and Counsel for the Public?**

30 A. Yes, I have reviewed testimony related to potential effects on aboveground  
31 historic sites from intervening municipalities, individual intervenors, and from the Counsel for

1 the Public's ("CFP") consultant, Ms. Patricia O'Donnell, of Heritage Landscapes, LLC. I also  
2 reviewed the November 15, 2016 *Assessment Report on Potential Effects to Above Ground*  
3 *Historic Sites and Cultural Landscapes for the Northern Pass Transmission Project* prepared by  
4 Heritage Landscapes ("Heritage Landscapes Report").

5 **Q. Do you agree with Heritage Landscapes' opinion that the Project will have**  
6 **"unreasonable adverse effects on historic sites and cultural landscapes" in the Project's**  
7 **Area of Potential Effect ("APE")?**

8 **A.** No. As described more fully below, Heritage Landscapes reached its opinion  
9 without the critical step of assessing the effects of the various resources it identified as historic  
10 sites. Moreover, Heritage Landscapes improperly identified historic sites using an APE of ten  
11 miles, rather than the one-mile APE established by the USDOE in consultation with the  
12 NHDHR. Lastly, Heritage Landscapes applied an unreasonably broad interpretation of the  
13 NHSEC definition of "historic sites" to identify thousands of resources that are not historic sites.  
14 Heritage Landscapes explains that it was not within its budgetary scope to perform an individual  
15 evaluation of the nearly 13,000 resources it found to be "historic sites," so I do not understand  
16 how Ms. O'Donnell could conclude that the Project will have unreasonable adverse effects on  
17 historic sites without having evaluated even one property for potential eligibility or possible  
18 effects. The approach taken by Heritage Landscapes is unlike any other historic resource  
19 evaluation I have seen in all my time as State Historic Preservation Officer of California or  
20 during the 20 plus years I have been performing such evaluations pursuant to the Section 106  
21 process.

22 **Q. Why do you believe that Heritage Landscapes applied an incorrect APE?**

23 **A.** The USDOE established the APE for the Project as approximately one mile on  
24 either side of the right-of-way.<sup>1</sup> The NHDHR concurred with the USDOE on this APE. (See  
25 March 28, 2013 letter from Richard Boisvert, State Archaeologist and Deputy State Historic  
26 Preservation Officer, NHDHR, to the USDOE, Attachment 1.) Thus, since early 2013, the  
27 identification of historic sites and the assessment of visual effects on those sites for the Project

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<sup>1</sup> Site 301.06 (b) provides that an applicant identify "all historic sites and areas of potential archaeological sensitivity located within the area of potential effects, as defined in 36 C.F.R. §800.16(d)." This is the APE that is determined by the lead federal agency in consultation with the state historic preservation officer (NHDHR, in New Hampshire).

1 has proceeded in accordance with that one-mile APE. In my experience, a one-mile APE is  
2 entirely appropriate for the nature and location of this Project.

3 Rather than using the established one-mile APE to identify historic sites, Heritage  
4 Landscapes adopted a 10-mile APE for its identification efforts. On page 9 of its report,  
5 Heritage Landscapes suggests that Site 102.45 includes a 10-mile APE for scenic resources,  
6 including historic sites that possess a scenic quality, and concludes that a 10-mile APE is  
7 necessary for the evaluation of all historic sites. I understand that for this Project there is a 10-  
8 mile “Area of Potential Visual Impact,” as defined in Site 102.10. But this 10-mile Area of  
9 Potential Visual Impact applies to the assessment of visual impacts of the Project under the  
10 NHSEC rules specific to the consideration of aesthetics. Heritage Landscapes’ use of a 10-mile  
11 APE is a misapplication of the NHSEC rules regarding an APE for the evaluation of the effect on  
12 historic resources.

13 **Q. Why do you believe that Heritage Landscapes applies an overly broad**  
14 **interpretation of the definition of historic sites?**

15 **A.** Aside from using an extremely overbroad 10-mile APE, Heritage Landscapes  
16 interprets the NHSEC definition of “historic site” to include thousands of resources that are not  
17 historic sites. Heritage Landscapes contends that because the NHSEC definition of historic site  
18 includes, but is not limited to, resources that are included or eligible for inclusion in the National  
19 Register, it has a much broader scope than the Section 106 definition. Yet, the NHSEC  
20 definition provides only a single example of what a historic site is, referring specifically to those  
21 properties that are included, or eligible for inclusion, in the National Register. Site 102.23.  
22 Heritage Landscapes, however, does not limit its identification to properties listed in or eligible  
23 for the National Register. Moreover, it does not require that any identified property meet any  
24 standard of historical significance or integrity, including the 50-year old threshold for eligibility  
25 for the National Register. Instead, in addition to identifying sites that are listed or eligible for the  
26 National Register, Heritage Landscapes identifies every location it found in seven categories of  
27 resources with no consideration of significance or integrity.<sup>2</sup> The logical inference that can be

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<sup>2</sup> Heritage Landscapes identifies categories such as current use properties, conservation lands, recreation lands, trails, and public waters. See Heritage Landscapes Report, p. 21.

1 drawn from the Heritage Landscapes report and Ms. O'Donnell's testimony is that the 12,904  
2 resources identified in the report should have been evaluated for eligibility as a historic site and  
3 assessed for effects. Based on my experience this is an extraordinary number of properties to  
4 suggest for review under Section 106, and in my opinion it is beyond reason to imply that this is  
5 required under the Section 106 and the SEC rules.

6 Particularly illustrative of the extremely overbroad approach taken by Heritage  
7 Landscapes is how it dealt with (1) land in current use and (2) what it calls "community  
8 resources," as discussed below.

9 Current Use Parcels -- Of the 12,904 individual "historic sites" identified by Heritage  
10 Landscapes, 10,146 of them are parcels included simply because at the time of tax survey, their  
11 individual owners had declared them as "current use" under New Hampshire's current use  
12 statute, RSA 79-A. As acknowledged at page 26 of the Heritage Landscapes report, and the  
13 documents cited therein, current use in New Hampshire allows property owners to obtain  
14 significant property tax reductions by keeping their property undeveloped. Current use  
15 designation, however, does not make a property a "historic site." Heritage Landscapes applied  
16 no significance or age criterion to any of these parcels in current use. The current use statute was  
17 enacted in 1973 and, accordingly, there are no properties in New Hampshire that have been in  
18 current use for at least 50 years. In fact, as set forth in *A Layperson's Guide to New Hampshire*  
19 *Current Use* (p.8) cited on page 26 of the Heritage Landscapes Report, only 9% of current use  
20 parcels had been in current use for more than 15 years as of 2007 when the report was  
21 published.<sup>3</sup>

22 In short, nearly 80% of the 12,904 "historic sites" identified by Heritage Landscapes are  
23 current use parcels, and the inclusion of these in the list of historic sites that could be impacted  
24 by the Project is entirely inappropriate. As noted by Heritage Landscapes at p. 27 of its report,  
25 current use records show that nearly 60% of the State's private land is in current use.  
26 Suggesting that the Applicants in this proceeding, future project applicants, and the NHSEC

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<sup>3</sup> It should also be noted that because no mapping of current use parcels is available, Heritage Landscapes used town records and included all current use parcels within the borders of the 35 host towns or towns that are within the one-mile APE. (See table following pg. 107 of Heritage Landscapes Report). Because all current use parcels were included town-wide for each town, Heritage Landscapes included current use parcels regardless of whether they were beyond the 1-mile APE or even the 10-mile APE used by Heritage Landscapes.



1 must assess the effect on all current use parcels for purposes of historic resource assessments is  
2 misguided.

3 Community Resources – As explained in Ms. O'Donnell's testimony at p. 3, Heritage  
4 Landscapes and CFP's aesthetics consultants conducted 6 local "workshops" in the summer of  
5 2016 to elicit from the public ideas on what resources are significant to them. The attendees,  
6 many of them intervenors or representatives of intervenors in this proceeding, were instructed  
7 simply to fill out a form with basic information about any location that is significant to them in  
8 any of the 35 towns. A sample form is on the Applicants' Track 2 Exhibit List. The attendees  
9 were also asked to indicate on a large map of each town where they believe the property is  
10 located. Heritage Landscapes then took every item identified on such a form and listed it in a  
11 spreadsheet. Every one of these items is included in the total of 580 "community resources" that  
12 are part of the total of 12,904 historic sites that Heritage Landscapes believes should be  
13 evaluated.

14 This simple process of listing these locations shows the same misguided methodology as  
15 Heritage Landscapes' approach to current use parcels. Heritage Landscapes' idea of collecting  
16 names of resources from community workshops is fine. But the consultants did nothing with that  
17 information other than simply list the properties. They made no assessment of whether the site  
18 has any historical significance or integrity or whether there is any effect from the Project.

19 Although not as numerous as the current use parcels, Heritage Landscapes includes a  
20 number of additional resources simply because they fall into the other categories identified by  
21 Heritage Landscapes as "historic sites," such as conserved lands, recreation lands, and public  
22 trails and waters. With no analysis of the historical significance and integrity of the individual  
23 sites, inclusion of these sites is similarly flawed. As a result of Heritage Landscapes' application  
24 of an overly broad interpretation of the definition of an historic site under the SEC rules, its tally  
25 of nearly 13,000 sites is not helpful for the SEC's analysis of the Project's potential effect on  
26 historic sites along the route. It is my opinion that Heritage Landscapes' use of these categories  
27 to identify 12,904 "historic sites" is a complete overreach. The approach is unprecedented in my  
28 experience.

29 In contrast, Northern Pass's own identification (and assessment) of historic sites  
30 completed in 2015, along with the subsequent additional survey work being completed now, is  
31 fully consistent with the approach directed by the NHDHR as well as the approach used by the

1 Advisory Council on Historic Preservation and the National Park Service for purposes of Section  
2 106 review. Northern Pass has worked closely with NHDHR and the USDOE as the lead  
3 federal agency in undertaking and continuing the assessment that it began before the submittal of  
4 the Application. The most recent NHDHR reports to the NHSEC on the status of review of  
5 aboveground resources provide an excellent summary of what NHDHR and USDOE have  
6 required of Northern Pass in the Section 106 process and how much has been completed.  
7 NHDHR's letter report to the NHSEC on March 7, 2017, the Project's follow-up letter of March  
8 13, 2017, and NHDHR's further letter report on April 4, 2017 are on the Applicants' Track 2  
9 Exhibit List.

10 **Q. Aside from the unreasonably broad identification of sites, does Heritage**  
11 **Landscapes properly assess the likely effects of the Project on eligible sites?**

12 A. No. In fact, perhaps the most critical flaw in Heritage Landscapes' work is that it  
13 reaches conclusions without performing any assessment of the likely effects of the Project on  
14 historic sites. Heritage Landscapes merely identifies properties that could be eligible for listing  
15 on the National Register or otherwise be considered a historic site in this proceeding. Heritage  
16 Landscapes has not done any assessment whatsoever of the historic significance of these  
17 properties. Nor has Heritage Landscapes done any assessment of even the age of these  
18 properties or whether these properties retain any integrity as a historic resource. Furthermore,  
19 Heritage Landscapes did not perform any assessment of visual effects of the Project on the  
20 individual sites it identified.

21 The primary difference between the Project Historic Resource Assessment and the  
22 Heritage Landscapes Report is that the Project Historic Resource Assessment is an actual  
23 assessment. We applied the National Park Service criteria for determining significance and  
24 National Register eligibility of above ground historic sites, the National Park Service criteria for  
25 determining integrity of an identified historic resource, and the criteria required by the Advisory  
26 Council on Historic Preservation in the Section 106 Process to determine any adverse effects on  
27 historic sites. While Ms. O'Donnell criticizes our review because of its reliance on the Section  
28 106 process, she offers no alternative set of standards that should apply to any resources that  
29 would not be eligible under Section 106 but that would still be a historic site under the NHSEC  
30 rules. As I stated above, the rule itself only provides one example of "historic site" – a property  
31 listed on or eligible for listing on the National Register. This is also NHDHR's sole focus in its

1 review of NHSEC applications. See NHDHR's *Policy Memorandum -- Agency Review of*  
2 *Applications before the New Hampshire Site Evaluation Committee* (January 15, 2016), provided  
3 on the Applicants' Track 2 Exhibit List. Our assessment met and exceeded the thorough  
4 requirements of the Section 106 process to identify historic properties, and it fully considered  
5 historically significant resources in the Project APE.

6 Heritage Landscapes did none of this, electing instead to merely total up the entire  
7 universe of the parcels of land that fall within categories that it decided met the criteria of a  
8 historic site under the NHSEC rule. No criteria for measuring significance or integrity were  
9 applied to the "sites" on the list compiled by Heritage Landscapes. Heritage Landscapes did not  
10 perform any assessment of eligibility of any resources as historic sites or apply any accepted and  
11 consistent criteria for determining significance as is used by the USDOE and NHDHR. Heritage  
12 Landscapes did not evaluate any character defining features of the identified sites, did not  
13 evaluate the significance or integrity of the sites, and did not apply the definition of adverse  
14 effect to the sites on its list. Thus, the Heritage Landscapes Report and Ms. O'Donnell's  
15 testimony do not provide any basis whatsoever for a conclusion of (1) an adverse effect on any  
16 historic site, or (2) the Project's unreasonable adverse effect on historic sites.

17 **Q. Aside from the issues addressed above, do you agree with Heritage**  
18 **Landscapes' other principal criticisms of the Project Historic Resource Assessment?**

19 **A.** No, and I address each specific criticism separately below.

20 Insufficient Capture of Cultural Landscapes -- Heritage Landscapes contends that the  
21 Northern Pass Historic Resource Assessment failed to sufficiently identify and consider cultural  
22 landscapes. I disagree. For some unstated reason, Heritage Landscapes throughout its report  
23 references historic sites and cultural landscapes separately. Even the title of its report makes  
24 separate reference to each. But a cultural landscape, if listed or eligible for listing on the  
25 National Register, is a historic site, as defined in the NHSEC rules. I agree that cultural  
26 landscapes, generally speaking, are potentially eligible for inclusion on the National Register and  
27 constitute a category that could be identified as a "historic site" as defined by the NHSEC rules.  
28 Thus, when I discuss historic sites, or when historic sites are referenced in the Project Historic  
29 Resource Assessment, I include any cultural landscapes that meet the requirements of a historic  
30 site. There is no reason why I would discuss cultural landscapes separately from other historic  
31 sites.

Heritage Landscapes' contention that we did not consider cultural landscapes is belied by our identification and assessment of numerous cultural landscapes in our report. Cultural landscapes were part of the Historic Resource Assessment that was submitted with the Application, and they have been included in the Section 106 review process. By way of example only, cultural landscapes that were included in the Project Historic Resource Assessment included the North Road Agricultural District encompassing over 1000 acres and Weeks State Park (420 acres).

In addition to the extensive Historic Resource Assessment submitted with the Application in 2015, considerably more work assessing all historic resources required to be reviewed in the Section 106 process, including a full inventory of cultural landscapes pursuant to a work plan provided by NHDHR and USDOE in the fall of 2016, is being completed. The Project selected The Public Archaeology Laboratory, Inc. ("PAL") to carry out the cultural landscape studies. From the outset of PAL's studies and throughout the fall of 2016, the Project continually consulted with NHDHR and USDOE and consulting parties to further define the scope of work, ensure expectations were met, and to clarify the consulting party input process. The first of several cultural landscapes study area reports is nearly completed and will be submitted to NHDHR very soon. I expect that the remaining ones will be completed by the end of June 2017. As part of the Section 106 process, the Project is working with, and seeking input from, Consulting Parties.

Insufficient Consideration of Local Community Resources -- The criticism that we have not considered local community resources is fully off base. National Register eligibility does not mean that the resource is only of national significance. Almost all of the resources I have assessed for this Project are locally significant.

Inadequate Description of Avoidance, Minimization and Mitigation Measures -- Heritage Landscape's suggestion that the Project minimized impacts of the project in only a few discrete locations is wrong. As stated in my original testimony, the Project has substantially avoided impacts and minimized effects to historic resources by locating 99.5 miles of the line in existing transmission rights of way (ROW), most of which have existed for 50-75 years. Further, placing 60.5 miles of the line underground has meant that the Project has eliminated visual effects over long distances and large area historic properties. In addition, the Project has changed planned

1 structure heights, design, and locations in many places to avoid or minimize effects on historic  
2 resources.

3 Mitigation for unavoidable adverse effects will be negotiated under the Section 106  
4 process between USDOE, NHDHR, the Project and consulting parties and documented in an  
5 agreement document such as a Programmatic Agreement. The finalization of the agreement  
6 document comes later in the Section 106 process. I would expect that the NHSEC certificate  
7 would also include standard conditions requiring Northern Pass to meet all obligations of any  
8 agreements with NHDHR and the lead federal agency.

9 **Q. Do you have any comments on anyone else's testimony on the issue of**  
10 **aboveground historic sites?**

11 A. Yes, I want to respond briefly to the testimony of Scott Newman of 106  
12 Associates filed by the Deerfield Abutters and of Rebecca More on Weeks State Park.

13 106 Associates -- Mr. Newman reviewed only resources located in the Town of  
14 Deerfield, and found that two historic districts their present unreasonable adverse effects.<sup>4</sup> The  
15 first relates to the Deerfield Center Historic District. The Northern Pass cultural resource  
16 professionals considered this resource carefully in our initial assessment. The assessment forms  
17 we prepared for the Application provides a full explanation of my conclusion of no adverse  
18 effect. That form – DEER 10 – is on the Applicants' Track 2 Exhibit List. The significance of  
19 this district, which was listed on the National Register in 2002, is under Criterion C of the federal  
20 regulations<sup>5</sup> in the area of community planning and development as a religious and governmental  
21 center and in architecture for its collection of mid and late 19th century and early 20th century  
22 buildings. The character of the district is focused inward with all buildings facing each other.  
23 The character defining features and significance of the district were established by NHDHR and  
24 the National Park Service, and the boundaries as established did not include views beyond the  
25 district.

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<sup>4</sup> I believe this is a misapplication of the NHSEC requirement that the Project not have an unreasonable adverse effect on historic sites. RSA 162-H:16,IV(c); Site 301.14(b). The assessment of unreasonable adverse effect is for the Project as a whole. While that includes evaluation of individual historic properties, the finding of unreasonable adverse effect is not applied to discrete individual resources.

<sup>5</sup> 36 CFR §60.4.

1           The National Register nomination states that “[a] row of typical wooden utility poles  
2 runs along the southerly side of the street.” These poles are not identified in the nomination as a  
3 visual intrusion that would affect the significance of the district. They are, rather, noted as a part  
4 of the streetscape, including street signs. The large number of existing utility poles throughout  
5 the historic district in close proximity to contributing buildings were not previously determined  
6 to adversely affect the character defining features of the historic district.

7           I agree that there will be an effect, but that effect will not be adverse. Photosimulations  
8 show that one weathering steel monopole will be visible above the roofline of the Deerfield  
9 Community Church in a specific location in the historic district. Given the existing number of  
10 utility poles that are already part of the district, I do not believe that this will cause an adverse  
11 effect to the Deerfield Center Historic District. Further, the illustrations provided by Mr.  
12 Newman purportedly show the location and height of the Project structures, but they fail to take  
13 into consideration the distance of the district from the structures or the tree coverage within and  
14 outside the district that screens views of the Project. The 106 Associates analysis of the district  
15 does not show how the Project would directly or indirectly affect those characteristics that make  
16 the district historically significant. I do not believe that the Project would cause an adverse  
17 effect on the district.

18           I also disagree with Mr. Newman’s assessment of effect on the Nottingham Road Historic  
19 District. The Project will be minimally visible in some discrete locations in this district, and  
20 views for the most part are slight and do not impact major vistas within the district. For the  
21 overwhelming majority of the historic resources in the district as a whole, topography, screening  
22 by wooded areas and distance to the Project from the main public views of the historic resources  
23 contributing to this historic district reduce possible effect. Most of the historic structures in the  
24 district do not have views of the Project. The Project will have an effect, but in my assessment  
25 the Project will not create an adverse effect on the district as a whole.

26           Rebecca More -- In her testimony, Dr. More asserts that the visual impact of the Project  
27 on Weeks State Park is other than how I and the Applicants’ visual impact experts have assessed  
28 it. While I have concluded that there will be an adverse effect on this important resource, I do  
29 not agree at all with Dr. More’s conclusions on the extent of any such effect. In the thorough  
30 assessment of this property in the Historic Resources Assessment Report that is in Appendix 18  
31 of the Application, Preservation Company and I recommended first that the boundary of this

1 already National Register listed property be expanded considerably to include the entirety of the  
2 420 acres of Weeks State Park.<sup>6</sup> We then considered at length possible effects from the Project.  
3 The assessment form we prepared for the Application provides a full explanation of my  
4 conclusion of no adverse effect. That form – LANC 02 – is on the Applicants’ Track 2 Exhibit  
5 List. As we stated there, there will be a visual effect from the added line in the existing  
6 transmission corridor in the area below Mt. Prospect that we concluded would be adverse. That  
7 said, the visibility of the Project will not be significant because the existing transmission corridor  
8 where Northern Pass will be located is from .5 to 1.25 miles from the Park. From the East  
9 Overlook, the location where the line is most visible, the visual effect will be limited. Also, the  
10 effect is minimized by using weathering steel monopoles in this location. Dr. More’s statement  
11 that 219 structures will be in view from Weeks State Park is simply not supported by the detailed  
12 review that I, Preservation Company, and the Applicants’ visual impact experts performed.

13 **Q. Have you re-evaluated the potential effects of Northern Pass on historic**  
14 **sites? Please explain.**

15 A. Yes, I have. Although my review of potential effects as set forth in the  
16 Application remains fully relevant, I have now considered the potential effect on all the  
17 properties that NHDHR has since determined to be eligible and those that I anticipate NHDHR  
18 will find eligible as the agency completes the review of inventory forms submitted by Northern  
19 Pass. A list of the properties that I have reviewed for potential visual effect is provided on the  
20 Applicants’ Track 2 Exhibit List.

21 In conjunction with Preservation Company, I have considered each of these properties  
22 along the overhead portion of the route to assess potential indirect visual effects from the Project.  
23 With them, I have determined that six historic resources are likely to be found by NHDHR and  
24 USDOE to be adversely affected by the Project. This is a smaller number than I originally  
25 identified as adversely affected. This change is due to several factors: NHDHR required no  
26 further evaluation of four properties based on the Project Area Forms, 1 property is being largely  
27 demolished and has lost its historical integrity, and 2 individual adversely affected properties  
28 were combined by NHDHR into a district.

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<sup>6</sup> Only the area at the very top of the park comprising 2.19 acres is currently listed. We recommended that the 420 acre park in its entirety be deemed eligible for listing.

1 For the underground segments of the Project, it is unlikely that there will be indirect  
2 visual adverse effects to historic resources because the lines will be buried. However, there is the  
3 potential for adverse effects due to damage from vibration from equipment during construction.  
4 Any such potential adverse effects on the underground segment of the Project will be addressed  
5 through the use of standard avoidance, minimization and mitigation procedures for measuring,  
6 managing and mitigating the effects of damage from vibration to historic properties. These  
7 would normally be memorialized as a part of a Programmatic Agreement or other agreement  
8 document between the Project, USDOE, NHDHR and consulting parties.<sup>7</sup> I would also expect  
9 that the Applicants' blasting procedures<sup>8</sup> that address such things as pre-blasting notifications  
10 and survey and post-blasting testing would be a required condition in the NHSEC certificate.

11 I have listed on the table at Attachment 2 those resources for which I believe the Project  
12 will cause an adverse effect. The potential effect of the Project on historic sites remains low.  
13 The added evaluation and assessment work that has been completed since October 2015 has  
14 confirmed this conclusion.

15 **Q. Has your opinion regarding whether this Project will have an unreasonable**  
16 **adverse effect on historic sites changed? Please explain.**

17 A. No. This total of six adverse effects does not constitute an unreasonable adverse  
18 effect on historic sites. While I believe that these six resources may be indirectly adversely  
19 affected by the Project, the adverse effect to these sites is not substantial, and the effects are not  
20 of an unusual or disproportionate degree. The indirect visual effects on historic properties will  
21 not prevent them from being determined eligible for the National Register or, if already listed,  
22 will not cause them to be removed from the National Register because of a loss of integrity. The  
23 additional reasons I cited in my original testimony remain valid as well.

24 The Heritage Landscapes assessment, the 106 Associates report and the Rebecca More  
25 testimony identify no new eligible resources that the Project's historical resource assessment has  
26 not already considered as part of my review of potential effects on historic sites. The Section  
27 106 review and consultation process likewise has not presented any new eligible historic

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<sup>7</sup> The current draft Programmatic Agreement proposed by the USDOE includes a provision addressing this issue.

<sup>8</sup> See Pre-filed Testimony of John Kayser, at pp. 10-11.



resources that cause me to question my assessment that the Project will not have an unreasonable adverse effect on historic sites. While I do find that there are a small number of adverse effects on historic resources, the overall effect of this Project on historic sites is still very small. The Project will not create an unreasonable adverse effect on historic sites.

**Q. Please explain how you are able to conclude that there will be no unreasonable adverse effect on historic sites given that the Section 106 process is still ongoing.**

A. While the final decision from NHDHR and USDOE on the Project's adverse effects has not yet been rendered, the Applicants' historic resources consultants have done a very thorough and high quality assessment of the historic resources that might be affected by the Project. This work has been done in consultation with USDOE, NHDHR and consulting parties and it has far exceeded the threshold established in 36 CFR §800.4(b)(1) for meeting a good faith and reasonable effort for identification of historic properties.

My conclusions are grounded in the significant amount of work and array of studies from highly experienced professionals that includes (1) the Applicants' original historic resources assessment as provided in Appendix 18 of the Application, (2) the USDOE's consultants' wide-ranging consideration of historical resources in the Project Area Forms prepared for four separate regions of the State, (3) a second complete evaluation conducted by numerous consultants retained by the Applicants to determine resources eligible for listing on the National Register for all properties, (4) NHDHR's careful review of the inventory forms submitted as part of that evaluation, and (5) in conjunction with Preservation Company, my thorough consideration of potential effects from the Project on eligible historic resources. The identification effort of Northern Pass has provided current complete data on what can be expected or encountered within the APE. The only remaining work is the unfinished review of cultural landscapes. While that unprecedented (for New Hampshire) review may provide additional contextual information about historic sites, I do not expect that new resources within the APE will be identified of which we are not already aware. (As noted above, the cultural landscape reports are due to be submitted to NHDHR and USDOE by the end of June.)

The Section 106 process will conclude with the agencies and the Applicants reaching agreement on how the adverse effects should be mitigated. Knowing this, and having gained a thorough understanding of the Project's limited potential for adverse effects to historic resources,

1 I remain fully confident in my opinion that the Project will not cause an unreasonable adverse  
2 effect on historic sites.

3 **Q. Does this conclude your supplemental testimony?**

4 A. Yes, it does.



## NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Cultural Resources 603-271-3483  
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March 28, 2013

Brian Mills  
 National Electricity Delivery Division  
 Office of Electricity Delivery and  
 Energy Reliability  
 U.S. Department of Energy  
 1000 Independence Avenue, SW  
 Washington, DC 20585

Re: Northern Pass Transmission, LLC Presidential Permit Application  
 Area of Potential Effects

Dear Mr. Mills:

We have received your letter of March 21, 2013 formally defining the Area of Potential Effects (APE) in order to meet the requirements for federal actions under Section 106 of the National Historic Preservation Act at 36 CFR Part 800. The Division of Historical Resources (DHR), in its role as the State Historic Preservation Office, has reviewed the determination and concurs with the definition of the APE for the southern 140 miles of the currently proposed Northern Pass route.

The APE for the direct effects on terrestrial historic properties and below ground archaeological resources is understood as the width of the Public Service Company of NH (PSNH) legally defined right-of-way (ROW). This ROW is generally 200 feet wide; however, there are variations in width with some portions being less than 200 feet and other portions of the ROW being up to twice that width. Although not specified in your letter of March 21, 2013, the DHR understands that the APE also includes those areas outside of the ROW that may be impacted by construction or improvement of access roads, material and equipment storage areas, or any other physical disturbances necessary during the construction of the project. Please be in contact if this is not your understanding and finding as well.

The APE for assessing visual effects on historic properties is defined as approximately one mile on either side of the center line of the PSNH ROW. As we discussed, the approximate determination is appropriate because there may be some situations where the visual effects may extend somewhat beyond the one mile limit due to local topographic and historic factors. Visual effects shall include not only effects associated with the structures to be constructed as part of the transmission line, but also physical disturbances of



current conditions, such as areas that are currently forested or otherwise vegetated that may be cleared in order to construct the transmission line.

Defining a project's area of potential effects is one of the first steps of initiating Section 106 review and is defined at 36 CFR 800.16 as:

*the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.*

As you know, defining an APE in the Section 106 process differs from defining the scope and extent of resource identification, as well as assessing the effects of a project. The firm of Hogan Lovells, acting as attorney for the Northern Pass, has expressed concerns in a letter to your office dated March 26, 2013 and copied to this office, about the amount of archaeological survey that they felt might be required in an APE as defined above. These concerns do not seem to take into account guidance given by our office at our March 21, 2013 meeting, where I indicated that the scope and extent of identification efforts for archaeological resources would be governed by exclusionary factors such as the extent of construction and the presence of water bodies, wetlands, previously disturbed areas and other circumstances where it is not feasible to expect the presence of archaeological resources. This guidance is based on archaeological resource identification efforts to date in the glaciated Northeast, as well as 36 CFR 800.4, which discusses level of effort and the appropriateness of phased identification efforts in certain types of projects.

It is also important to note that under 36 CFR 800, an APE is defined for a specific undertaking, in this case the construction of the Northern Pass project. It is the DHR's expectation that if future federal undertakings occur within this area, the lead federal agency and the DHR will review them as newly defined undertakings under the Section 106 regulations. Again, please be in contact if this is not your understanding and finding as well.

We understand that information on the northern 40 miles of the Northern Pass project route is still forthcoming and that further consultation will be needed to define its APE. Finally, our office has not directly received a copy of the Presidential Permit application and would appreciate a copy for our files. If not included in the application, it would also be helpful to receive a written description of the undertaking and its extent, in order to guide all further decision-making under Section 106.

Thank you for your consultation on this undertaking; the DHR looks forward to working with you and your staff on this Section 106 review. If you need any additional information or clarification, please feel free to contact me and send all future correspondence to my attention.

Sincerely,



Richard A. Boisvert, PhD  
State Archaeologist and Deputy State Historic Preservation Officer

Cc: Caitlin A. Callaghan, USDOE



**List of Adverse Effects**

<b>Property Name</b>	<b>Town</b>	<b>Address</b>	<b>Single or Multiple Property</b>
Lindsay/Menard Cabin	Deerfield	65 Nottingham Road (on)	S
Maple View Farm	Concord	183 Shaker Road	S
Peaked Hill Road Historic District	Bristol	Peaked Hill Road; Locke Road; Old Stage Road	M
		171 Jeffers Road	
Weeks State Park – John Wingate Weeks Estate	Lancaster	202 Weeks State Park Road	M
North Road and the Grange Historic District	Lancaster	188-457 North Road/4-29 Grange Road	M
Dummer Pond Sporting Club	Dummer	Off Dummer Pond Road, on Big Dummer Pond	S