



## NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

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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

