



Department of Energy
Washington, DC 20585

December 01, 2015

Ms. Charlene Dwin Vaughn,
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

**SUBJECT: Proposed New England Clean Power Link Project
State of Vermont**

Dear Ms. Vaughn:

This letter responds to the November 17, 2015 letter ("November 2015 letter") transmitted to DOE regarding the executed Programmatic Agreement ("PA") between the Vermont State Historic Preservation Officer ("VTSHPO") and the U.S. Department of Energy ("DOE") for the subject project.

As indicated in the November 2015 letter, DOE notified the Advisory Council on Historic Preservation ("ACHP") on February 6, 2015 ("February 2015 notification") of its intention to produce a PA to comply with Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C. 306108) and its implementing regulations, Protection of Historic Properties (36 CFR Part 800).

Specifically, DOE's February 2015 notification to the ACHP explained, "The Department is coordinating its compliance with Section 106 of the NHPA with its review under the National Environmental Policy Act (NEPA) according to the process set out in 36 CFR §800.3(b). Per standing policy, DOE will explicitly solicit information from the public (via the NEPA process) regarding cultural and historic resources through its Notice of Availability of its draft Environmental Impact Statement (EIS) when published in the *Federal Register*. DOE will also make cultural resources reports and information publicly available, as appropriate, on the NECPL project EIS website at <http://necplinkeis.com>"

The November 2015 letter also makes reference to a March 2015 request for additional information. DOE, regrettably, has no record of the receipt of such request. As is our practice, had such a request been received, DOE would have diligently provided the ACHP with a timely and thorough response.

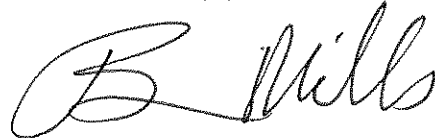
DOE further understands from the November 2015 letter the ACHP is concerned with the overall comprehensiveness of DOE's Section 106 consultation process and the Administrative Record (AR). We would like to point out, however, that all correspondence and supporting information, including these letters and attachments, are or will be posted to the EIS website for public review as well as included in the AR for the EIS. Moreover, DOE believes that the executed PA between the DOE and the VTSHPO evidences that the Section 106 consultation proved productive.

All information necessary for the VTSHPO as well as the consulting parties (the Stockbridge-Munsee community band of Mohican Indians, the U.S. Army Corp of Engineers and TDI New England) to have meaningful participation in the Section 106 process, including dialog, review and expression of their views.

As is clear from the AR and PA, the cultural and historic resources in the State of Vermont have been carefully considered throughout the EIS process.

Having ACHP support and concurrence on our PA would be appreciated,

Very truly yours,

A handwritten signature in cursive script that reads "Brian Mills". The signature is written in black ink and is positioned above the printed name and title.

Brian Mills
NEPA Compliance Officer
Office of Electricity Delivery and
Energy Reliability

CC: VTSHPO

Attachment



ATTACHMENT

Department of Energy
Washington, DC 20585

February 6, 2015

Ms. Laura Trieschmann
State Historic Preservation Officer
Vermont Division of Historic Preservation
1 National Life Drive
Davis Building, 6th Floor
Montpelier, VT 05620-0501

SUBJECT: Initiation Request for Section 106 Consultation under the National Historic Preservation Act (NHPA) for the proposed *New England Clean Power Link* (DOE/EIS-0503)

Dear Ms. Trieschmann:

The U.S. Department of Energy (DOE or the Department) is in the process of preparing its draft Environmental Impact Statement (EIS) for the proposed New England Clean Power Link (NECPL) project in the state of Vermont. DOE is preparing its draft EIS pursuant to its obligations under the National Environmental Policy Act (NEPA) to evaluate environmental impacts of providing a Presidential permit to TDI-New England (TDI-NE) for the construction, operation, maintenance, and connection of the portion of the transmission line within the United States. The proposed DOE federal action is the potential grant of a Presidential permit for the international border crossing requested by TDI-NE as part of its proposal. This action has been determined by DOE to be an undertaking that has potential to cause adverse effects on historic properties per the Advisory Council on Historic Preservation's (ACHP's) NHPA implementing regulations at 36 CFR §800.3(a).

The Department is coordinating its compliance with Section 106 of the NHPA with its review under NEPA according to the process set out in 36 CFR §800.3(b). Per standing policy, DOE will explicitly solicit information from the public (via the NEPA process) regarding cultural and historic resources through its Notice of Availability of its draft EIS when published in the *Federal Register*. DOE will also make cultural resources reports and information publicly available, as appropriate, on the NECPL project EIS website at <http://necplinkeis.com>.

In this letter DOE provides you with a summary of the actions that the Department is taking to comply with Section 106 of the NHPA, including project background, efforts to identify historic properties potentially affected by the proposed NECPL project to date, a preliminary list of potentially affected historic properties listed or eligible for listing on the National Register of Historic Properties (NRHP), and a list of potential Section 106 consulting parties for the proposed NECPL project. This letter also discusses DOE's initial proposal for direct Areas of Potential Effect to be used in the Department's proposed phased approach to identification and evaluation of historic resources under Section 106. Furthermore, DOE is

sending this letter as its official request for initiation of Section 106 consultation under NHPA with the Vermont State Historic Preservation Office (SHPO) located within the Vermont Division of Historic Preservation, and would appreciate your written reply within 30-days from the date of this letter or as soon as possible.

Background

On May 20, 2014, Champlain VT, LLC, d/b/a Transmission Developers Inc., New England (TDI-NE) applied to DOE for a Presidential permit¹ for a new approximately 154.1 mile-long, high voltage direct current (HVDC) electric transmission line that would cross the international border between the United States and the Canadian Province of Quebec, near the village of Alburgh, Vermont, and terminate at the existing Coolidge Substation in the towns of Ludlow and Cavendish, Vermont. The project would have an operating voltage of +/- 300 to 320 kilovolts (kV) with an expected power transfer rating of 1000 megawatts (MW). The transmission line would be a bipole line that consists of two solid (no fluids) dielectric, cross-linked polyethylene transmission cables, one positively charges and the other negatively charges.

The proposed NECPL project would be constructed in both aquatic (underwater) and terrestrial (underground) environments. From the Canadian border, the proposed transmission line would be located underground in Alburgh, Vermont, for approximately 0.5 miles and would enter Lake Champlain via a horizontal directional drill (HDD). The cables would then be buried in the bed of Lake Champlain to a target depth of 3-4 feet except at depths of greater than 150 feet where cables would be laid on the lake bottom. Installation of the cables in Lake Champlain would occur within the jurisdictional waters of Vermont for 97.6 miles. The cables would emerge from Lake Champlain in the town of Benson, Vermont and would be buried along town roads and state highway rights-of-way for approximately 55.7 miles until terminating at a proposed converter station in Ludlow, Vermont. The total direct current portion of the project is approximately 153.8 miles. From the converter station, the proposed NECPL project would involve underground installation of a single circuit 345-kV high voltage alternating current (HVAC) transmission system (i.e., two underground HVAC lines) which would run approximately 0.3 miles to the existing Coolidge Substation in Cavendish, Vermont owned by the Vermont Electric Power Company (VELCO) (*see enclosed NECPL Project Overview map*).

DOE is the lead federal agency in the preparation of the subject EIS. The U.S. Army Corps of Engineers, New England District (USACE), U.S. Coast Guard (USCG), and the U.S. Environmental Protection Agency, Region 1, will be cooperating agencies to DOE in the preparation of this EIS. DOE is also the lead federal agency for purposes of compliance with Section 106, in accordance with 36 CFR § 800.2(a)(2), and will address the potential effects of the NEPA cooperating agencies' proposed actions on historic and archaeological resources.

DOE documented a Notice of Intent (NOI) to prepare an EIS in the *Federal Register* on August 26, 2014 (79 FR 50901), with an open public scoping period which ended on October 10, 2014 (*see enclosed NECPL NOI*). The NOI specifically indicated that cultural and

¹ In accordance with Executive Order (EO) 10485, as amended by EO 12038, and the regulations at 10 Code of Federal Regulations (CFR) 205.320 et seq. (2000), "Application for Presidential Permit Authorizing the Construction, Connection, Operation, and Maintenance of Facilities for Transmission of Electric Energy at International Boundaries."

historic resources are being analyzed as part of the federal environmental review. While the proposed federal action (and undertaking) is the potential grant of a Presidential permit by DOE for the international border crossing, the proposed construction, operation, maintenance, and connection of the portion of the transmission line within the United States is a connected action to DOE's proposed action under NEPA. DOE is therefore analyzing the potential environmental impacts from the proposed federal action and the connected action in the EIS. For the purposes of compliance with Section 106 of the NHPA, DOE is considering the potential for adverse effects to cultural and historic properties for the proposed border crossing and entire length of the proposed transmission line.

Consulting Parties

In accordance with 36 CFR §800.2, DOE has identified potential consulting parties, including ACHP, SHPO, THPOs, the Applicant, local government representatives, other Native American entities, local historical societies, heritage preservation commissions, state agencies, sites and museums, state-wide groups, national groups, and private individuals with a for the purposes of Section 106 consultation under NHPA. A list of consulting parties identified by DOE is enclosed with this letter for your review and input (*see enclosed Draft List of NECPL Section 106 Consulting Parties*). DOE requests that you and your staff provide the Department with feedback regarding any other potential Section 106 consulting parties for the NECPL project that may not have yet been identified or that should be included in this list of potential consulting parties. Any assistance your office may provide in this matter at this time is greatly appreciated.

As proposed, the NECPL project does not directly involve tribal reservation lands or require a right-of-way grant or special use grant from tribes, however, the proposal is located in an area that was inhabited by numerous American Indians before Euro-American settlement. As a result the proposal has the potential to impact tribes with current or historic interest in the project area.

In accordance with its responsibilities under Section 106, NEPA, the American Indian Religious Freedom Act (16 U.S.C. 1996), the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa-mm), the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001, et. seq.), Executive Order 13175 *Consultation and Coordination with Indian Tribal Governments*, (November 6, 2000), and DOE's "American Indian and Alaska Native Tribal Government Policy," as set forth in DOE Order 1230.2 (October 2000), DOE is initiating government-to-government consultation with the Tribal Historic Preservation Officer (THPO) for the Stockbridge-Munsee Community, Band of Mohican Indians. DOE understands that this Federally-recognized Tribe has an historic interest in resources of traditional or cultural importance in wetlands areas potentially affected by the proposed NECPL project, and will initiate its government-to-government consultation effort directly with this THPO and Tribe.

Identification Efforts to Date

The proposed undertaking has the potential to affect historic properties either listed in, or eligible for, inclusion in the National Register of Historic Places. An initial cultural resources survey (i.e., desktop literature review) was performed by TDI-NE as part of the NECPL project Presidential permit application to DOE. This survey considered a geographic area within which the Project may directly or indirectly cause alterations in the character or use of historic properties, and includes all areas along the proposed transmission line construction corridor where ground-disturbing activities would be conducted. It also included those areas outside the

proposed transmission corridor, including the Ludlow HVDC Converter Station site, laydown areas, access roads, and other locations that may be affected by the Project construction and operations.

An initial study of the NHRP listed or eligible properties by TDI-NE found the following list within proximity to the proposed NECPL project, as provided in Appendix D to TDI-NE's Presidential permit application:

| Site Name | Distance from Proposed Project Route |
|------------------------------------|--------------------------------------|
| Benson Village | 0.25 miles |
| Cold River Bridge | 0.25 miles |
| East Clarendon Railroad Station | 50' |
| Laurel Glen Mausoleum--Laurel Hall | 0.25 miles |
| Mountain View Stock Farm | 50' |
| Smith, Simeon, House | 0.25 miles |

The NECPL Presidential permit application, including associated maps, drawings, and initial cultural resources study, can also be viewed or downloaded in its entirety from the DOE Office of Electricity Delivery and Energy Reliability (OE) program Web site at: <http://energy.gov/oe/downloads/application-presidential-permit-oe-docket-no-pp-400-tdi-new-england-new-england-clean>.

As a part of this effort, TDI-NE met with representatives from Vermont Historic Preservation Office to provide NECPL project briefings on December 9, 2013, and January 14, 2014. TDI-NE also met with your staff to discuss archaeological, cultural and historic resources specific to the Lake Champlain segment of the proposed NECPL project on February 13, 2014, which also included Lake Champlain Maritime Museum (LCMM) staff. Staff from your office also responded to requests by TDI-NE for periodic discussions about proposed Phase 1A assessment work plans for the proposed NECPL project during April 2014 – November 2014.

In addition to efforts by TDI-NE to identify historic resources potentially affected by the proposed NECPL project, DOE held two NEPA public scoping meetings in Burlington, Vermont, on September 16, 2014 and in Rutland, Vermont, on September 17, 2014, during a 45-day public scoping comment period. The meetings held in the towns of Burlington and Rutland, Vermont. DOE received two comments related to the overall consideration of potential effects to historic and archaeological resources and traditional cultural properties. No specific historic, archaeological or cultural resources were identified during the scoping period for the proposed NECPL project. DOE's *New England Clean Power Link Project Scoping Summary Report* (November 2014) is attached to this letter for your information and review.

Cultural Resource Studies

At this time, DOE understands that Vermont Office of Historic Preservation has been provided with the following cultural resource reports completed by TDI-NE for the proposed NECPL project:

- *Phase IA Archaeological Reconnaissance Survey, New England Clean Power Line Project – Overland Portion: Windsor, Rutland, and Grand Isle Counties in Vermont* (November 2014);
- *Historical Reconnaissance Survey, New England Clean Power Line Project – Overland Portion: Windsor, Rutland, and Grand Isle Counties in Vermont* (November 2014); and
- *Phase IA Archaeological Assessment in Support of the New England Clean Power Link Project- Lake Portion: Grans Isle County, Chittenden County, Addison County and Rutland County, Vermont* (November 2014).

DOE is also aware that NE-TDI filed for a Vermont Certificate of Public Good with the Vermont Public Service Board (PSB) on 12/8/2014, with information relevant to historic and archaeological sites in the “Environmental Considerations” section of that filing (per 30 VSA §248(b)(5)). At this time, DOE is not including hardcopies of the above mentioned three reports or historic and archaeological evidentiary information from the Vermont PSB filing with this Section 106 initiation request unless otherwise requested by your office. Please let DOE know as soon as possible if your office needs copies of these resources.

Scope of Future Identification Efforts under Section 106

In order to begin your consideration of DOE’s scope of future identification and evaluation efforts, the Department typically defines an Area of Potential Effect (APE) for this type of undertaking that includes the geographic area or areas within which the Project may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE includes all areas along the transmission cable corridor where ground-disturbing activities will be conducted. The APE would also include areas outside the transmission cable corridor, including the converter station site, the HVAC cable alignment, transmission interconnection sites, laydown areas, access roads, and other locations that may be affected by Project construction and operations. Additionally, the APE would take into account standing historic properties (i.e., buildings, structures, individual objects, and districts) that may be indirectly affected by the use of heavy equipment, particularly along the overland sections of the Project’s proposed route.

The width of the construction corridor varies based on installation techniques and environment. The excavation of the cable trench, installation of erosion and sediment control measures, installation of the cables, and stockpiling of excavated materials are expected to occur within a 50-foot-wide corridor, or 25 feet on either side of the Project’s centerline. To accommodate additional areas beyond the footprint of the trench that may be necessary for laydown/staging areas, and to accommodate indirect effects of Project construction activities, the APE for this undertaking has been defined to include an area encompassing 25 feet on either side of the Project’s centerline. DOE looks forward to future discussions with you and other consulting parties about the APE for the NECPL project, and understands that no final APE determinations may be made at this time.

Finally, the Department wants to take this opportunity to inform you early on of its intent to develop a PA pursuant to 36 CFR § 800.14(b) to resolve the proposed Project’s potential effects on historic properties at this time. The PA would be developed in consultation with SHPO, THPO, Consulting Parties, the public, and other interested parties, as appropriate. The PA would

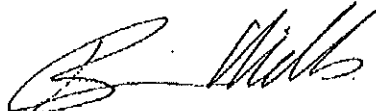
require TDI-NE to develop a Cultural Resources Management Plan (CRMP) for the proposed NECPL project in consultation with your office and the Consulting Parties prior to initiation of construction activities.

In close, DOE currently seeks your concurrence on initiating its Section 106 consultation process for the proposed New England Clean Power Link project. DOE also seeks any information or suggestions that your office may have with regard to potential consulting parties or tribes that are included in the attached consulting parties list, or if you have additional information that should be considered at this time. Please provide your Section 106 initiation concurrence and any material information that you may have in writing so that it may be added to the administrative record to evidence DOE's compliance with Section 106 consultation responsibilities.

At this time, we also wish to clarify the name and contact information for the Department's representative for purposes of consultation pursuant to Section 106. In accordance with 36 CFR Part 800.2(a)(3), the DOE has authorized Kleinschmidt Group to prepare DOE's subject EIS, which will include an analysis of the proposed NECPL Project's potential for adverse effects on cultural resources, including historic properties as defined by Section 106 of the NHPA and its implementing regulations at 36 CFR Part 800. Coordination of consultation activities under the Section 106 process will be completed by Ms. Kelly Schaeffer, Senior Regulatory Advisor at Kleinschmidt Group. Ms. Schaeffer can be contacted at (703) 753-9772 or by e-mail at Kelly.Schaeffer@KleinschmidtGroup.com. DOE remains legally responsible for findings and determinations and for the DOE's government-to-government relationships with Indian tribes.

DOE very much looks forward to working with you and your staff in the near future and appreciates your assistance in this effort. If you have any questions or comments regarding the proposed NECPL project, please contact me directly at any time at Brian.Mills@hq.doe.gov or (202) 586-8267.

Yours very truly,



Brian Mills
National Electricity Delivery Division (OE-20)
Office of Electricity Delivery and
Energy Reliability
U.S. Department of Energy

Enclosed:

- NECPL Project Overview Map
- DOE's NECPL Notice of Intent (NOI) (August 2014)
- Draft List NECPL Section 106 Consulting Parties
- NECPL Scoping Summary report (November 2014)

Cc: Charlene Dwin Vaughn, Advisory Council on Historic Preservation