



Preserving America's Heritage

November 17, 2015

Mr. Brian Mills  
Senior Planning Advisor  
U.S. Department of Energy  
Office of Electricity Delivery and Energy Reliability  
National Electricity Delivery Division  
1000 Independence Ave SW (OE-20)  
Washington, DC 20585

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

Dear Mr. Mills:

On November 2, 2015, the Advisory Council on Historic Preservation (ACHP) received an executed Programmatic Agreement (PA) for the referenced undertaking. DOE previously notified the ACHP of its intent to prepare such a document in February 2015 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). However, the information provided by DOE at that time was insufficient for the ACHP to determine whether or not Appendix A of our regulations applied to the undertaking. The ACHP requested additional information in March 2015 to determine if our participation in consultation was needed to resolve adverse effects (see attached). Regrettably, DOE failed to respond to this request or communicate further with us.

In sending the executed PA without providing additional information, we believe that we were precluded from participating in the Section 106 consultation. DOE's failure to follow this procedural requirement may render the outcome of the consultation process subject to challenge by parties with an interest in the undertaking as well as fail to verify that it has created a comprehensive administrative record.

In order for us to properly complete our review, we again request that DOE provide the information requested in March 2015 so that we may determine whether to consider the filed PA sufficient or to request further consultation. Specifically, we need DOE to provide:

- the views of Vermont State Historic Preservation Officer and consulting parties, and clarification of how those views were considered and addressed in the PA;
- the views of federally recognized tribes, and clarification of how those views were considered and addressed in the PA;
- a summary of how DOE's public participation plan for the undertaking was completed; and
- a summary of DOE's efforts to develop this PA and how it comports with the four-step Section 106 review process.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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We look forward to DOE's prompt response to this matter. If you have any questions about our comments, please contact Ms. Jaime Loichinger at (202) 517-0219 or via email at [jloichinger@achp.gov](mailto:jloichinger@achp.gov).

Sincerely,

A handwritten signature in cursive script, reading "Charlene Dwin Vaughn". The signature is written in dark ink and is positioned above the printed name and title.

Charlene Dwin Vaughn, AICP  
Assistant Director  
Office of Federal Agency Programs  
Federal Permitting, Licensing and Assistance Section

Enclosure