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*Agency of Commerce and  
Community Development*

March 1, 2013

Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

**Re: Vermont SHPO Comments and Study Requests in Response to the Pre-Application Documents and Scoping Document 1 for the Wilder (FERC No. 1892-026), Bellows Falls (FERC No. 1855-045), and Vernon (FERC No. 1904-073) Hydroelectric Projects, TransCanada Hydro Northeast, Inc.**

Dear Secretary Bose:

Thank you for the opportunity to comment on the above referenced project. The following comments will assist the Federal Energy Regulatory Commission (FERC) in their review responsibilities under Section 106 of the National Historic Preservation Act.

The Vermont Division for Historic Preservation (Division) is providing the FERC with the following comments pursuant to 36 CFR 800.4, regulations established by the Advisory Council on Historic Preservation to implement Section 106 of the National Historic Preservation Act. Project review consists of assisting FERC in identifying the project's potential impacts to historic buildings, structures, historic districts, historic landscapes and settings, and known or potential archeological resources that are listed in or may be eligible for inclusion in the National Register of Historic Places (National Register).

The focus of these comments concerns the process articulated in the combined Pre-Application Documents (PADs) for conducting and completing archeological studies within the Wilder, Bellows Falls, and Vernon (Projects) boundaries. The Division also notes that only one of the three Phase IA studies that form the basis for archeological site discussion in the PADs, the *Phase IA Archeological Reconnaissance Survey Vernon Hydroelectric Project (FERC No. 1904)* compiled by the Public Archaeology Laboratory (PAL) in March 2008 has been submitted to the Division. The Division requests that the remaining two Phase IA studies for the Wilder and Bellows Falls projects, also produced by PAL, be submitted for review and comment as soon as possible as specified in PADs.

Based on the archeologically information summarized in the PADs, and in the Vernon Phase IA report, it is apparent that at least 67 archeological sites have been currently identified within the Project in Vermont and as many as 66 potential archeological sites, identified by archival research, may be also be present. Two of the known sites are listed on the National Register and three additional sites have been determined to be eligible for the National Register as the result of prior studies. At the current level of documentation, these sites are the only below ground historic properties subject to protection under the National Historic Preservation Act.

The above high incidence of site encounter, which was based predominantly on visual inspection of the shoreline carried out from a boat augmented by land based spot-checks as well as terrestrial walkover of



upland parcels owned by TransCanada, clearly reflects the correspondingly high degree of archeological sensitivity of much of the Project Area of Potential Effect (APE). Although the high degree of archeological sensitivity is noted, the PADs do not contain specific proposals to conduct Phase IB site identification studies or Phase II site evaluation studies to determine eligibility beyond the Phase IA studies already completed. Instead, TransCanada generally proposes to institute a monitoring program targeted at select locations to identify shoreline changes at known sites or within archeologically sensitive areas. If project related changes are noted during the monitoring, then Phase IB site identification and, presumably, Phase II site evaluation procedures would be implemented as necessary. Any adverse effects would then be addressed by the development and implementation of a mitigation plan.

The Division does not support this approach, particularly with regard to the Wilder and Bellows Falls Projects, where PAL documented moderate to severe erosion along broad sections of the shoreline during the Phase IA studies. The 36 CFR 800 regulations require that historic properties within the APE be identified **before** effects resulting from project operation can be determined.

At issue here may be the delineation of the APE. Based on multiple comments throughout the PADs, TransCanada does not believe that Projects' operation plays more than a minor role in shoreline erosion. While the Division agrees with TransCanada's assertion that the Projects' operation is not solely responsible for shoreline erosion, the Projects' effect on the destabilization of the riverbank is sufficient to bring all terrace margins and adjacent areas within the APE.

The results of the March 2008 Phase IA study for the Vernon Project were incorporated in the October 2008 Historic Properties Management Plan (Vernon HPMP). Integral to the Vernon HPMP was the establishment of a monitoring program focused on all known and potential archeological sites as well as archeologically sensitive areas identified in the Phase IA study. While the Division has similar concerns for the necessity of conducting site identification and evaluation procedures in Vernon as discussed above for Wilder and Bellows Falls, the Vernon monitoring program is scheduled to begin in 2013. Given this immediacy, the Division will provide more detailed comments once the 2013 monitoring study report is filed. As outlined below, any recommended Phase IB and Phase II site evaluation studies will be focused in site or sensitive areas undergoing active erosion or other project related disturbance.

Based on the above considerations, the Division requests that the Licensee complete the following studies:

#### Wilder and Bellows Falls Projects

- Phase IB site identification within all archeologically sensitive areas and potential site locations that are actively eroding.
- Phase II site evaluation of all currently recorded archeological sites in the Project APE to determine their boundaries and eligibility for inclusion the National Register of Historic Places.

- Phase II site evaluation of any other archeological site identified in the Project APE as a result of the Phase IB survey to determine their boundaries and eligibility for inclusion in the National Register of Historic Places.

Wilder Project

- National Register Evaluation Report for the Wilder Project Hydroelectric Components

Vernon Project

- Phase IB site identification within all archeological sensitive areas and potential site locations that are actively eroding based on the 2013 Monitoring Report.
- Phase II site evaluation of all known archeological sites in the Project APE to determine their boundaries and eligibility for inclusion in the National Register of Historic Places.

The above studies will contribute to the development/revision of the Project specific HPMP's and Mitigation Plans for all historic properties determined to be eligible for the National Register of Historic Places, in addition to informing one or more Programmatic Agreements for the overall Project. Completion of these actions will ensure that the Project relicensing fully considers potential impacts to historic properties in compliance with the National Historic Preservation Act.

Thank you for your cooperation in protecting Vermont's irreplaceable historic and archeological heritage. R. Scott Dillon reviewed this project and prepared this letter. I concur with the findings and conclusions described above.

Sincerely:

VERMONT DIVISION FOR HISTORIC PRESERVATION

 (Commissioner, DEHCO) for

Giovanna Peebles  
State Historic Preservation Officer

Cc: John Ragonese, TransCanada  
Elizabeth Muzzey, NH SHPO  
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